

SECURING THE HOMELAND: REFORMING DHS TO MEET TODAY'S THREATS

HEARING BEFORE THE COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTEENTH CONGRESS FIRST SESSION

JULY 15, 2021

Serial No. 117-22

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

45-751 PDF

WASHINGTON : 2021

COMMITTEE ON HOMELAND SECURITY

BENNIE G. THOMPSON, Mississippi, *Chairman*

SHEILA JACKSON LEE, Texas	JOHN KATKO, New York
JAMES R. LANGEVIN, Rhode Island	MICHAEL T. McCAUL, Texas
DONALD M. PAYNE, JR., New Jersey	CLAY HIGGINS, Louisiana
J. LUIS CORREA, California	MICHAEL GUEST, Mississippi
ELISSA SLOTKIN, Michigan	DAN BISHOP, North Carolina
EMANUEL CLEAVER, Missouri	JEFFERSON VAN DREW, New Jersey
AL GREEN, Texas	RALPH NORMAN, South Carolina
YVETTE D. CLARKE, New York	MARIANNETTE MILLER-MEEKS, Iowa
ERIC SWALWELL, California	DIANA HARSHBARGER, Tennessee
DINA TITUS, Nevada	ANDREW S. CLYDE, Georgia
BONNIE WATSON COLEMAN, New Jersey	CARLOS A. GIMENEZ, Florida
KATHLEEN M. RICE, New York	JAKE LATURNER, Kansas
VAL BUTLER DEMINGS, Florida	PETER MELJER, Michigan
NANETTE DIAZ BARRAGÁN, California	KAT CAMMACK, Florida
JOSH GOTTHEIMER, New Jersey	AUGUST PFLUGER, Texas
ELAINE G. LURIA, Virginia	ANDREW R. GARBARINO, New York
TOM MALINOWSKI, New Jersey	
RITCHIE TORRES, New York	

HOPE GOINS, *Staff Director*

DANIEL KROESE, *Minority Staff Director*

NATALIE NIXON, *Clerk*

CONTENTS

	Page
STATEMENTS	
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Chairman, Committee on Homeland Security:	
Oral Statement	1
Prepared Statement	2
The Honorable John Katko, a Representative in Congress From the State of New York, and Ranking Member, Committee on Homeland Security:	
Oral Statement	3
Prepared Statement	5
WITNESSES	
Ms. Carrie Cordero, Senior Fellow and General Counsel, Center for a New American Security:	
Oral Statement	8
Prepared Statement	9
Mr. Thomas S. Warrick, Senior Fellow and Director of The Future of DHS Project, Atlantic Council:	
Oral Statement	14
Prepared Statement	16
Ms. Katrina Mulligan, Acting Vice President, National Security and International Policy, Center for American Progress:	
Oral Statement	26
Prepared Statement	27
Mr. Frank J. Cilluffo, Director, McCrary Institute for Cyber and Critical Infrastructure Security, Auburn University:	
Oral Statement	30
Prepared Statement	32
FOR THE RECORD	
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Chairman, Committee on Homeland Security:	
Statement of Max Stier, President and CEO, Partnership for Public Service	70
The Honorable Dan Bishop, a Representative in Congress From the State of North Carolina:	
Chart	47

SECURING THE HOMELAND: REFORMING DHS TO MEET TODAY'S THREATS

Thursday, July 15, 2021

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to notice, at 12:03 p.m., via Webex, Hon. Bennie G. Thompson [Chairman of the committee] presiding.

Present: Representatives Thompson, Jackson Lee, Langevin, Payne, Slotkin, Cleaver, Green, Clarke, Titus, Demings, Barragan, Gottheimer, Torres, Katko, Guest, Bishop, Van Drew, Miller-Meeks, Harshbarger, Clyde, Meijer, Cammack, Pfluger, and Garbarino.

Chairman THOMPSON. The Committee on Homeland Security will come to order.

The committee is meeting today to receive testimony on “Securing the Homeland: Reforming DHS to Meet Today’s Threats.”

Without objection, the Chair is authorized to declare the committee in recess at any point.

Today the committee is meeting to discuss how the Department of Homeland Security must refocus its mission to best respond to the most serious threats facing our Nation. This conversation comes at a timely moment as we approach the 20th anniversary of the 9/11 attacks.

DHS was established in 2003 to prevent and respond to terrorist attacks within the United States. Since then, the range of threats the Department must manage has expanded well beyond foreign terrorism. Today, DHS is also tasked with confronting the threats posed by the Coronavirus, cyber attacks, violent domestic extremists, and climate change. It is critical that the Department assess the full range of threats facing the country and align its resources accordingly.

Unfortunately, under President Trump, the Department had a myopic focus on immigration and border security at the expense of its other missions. DHS also suffered grave reputational and operational damage carrying out the last administration’s failed policies. Some have embraced the notion that DHS must be dismantled, but that is not the answer. Instead, we must reform DHS to enhance accountability and transparency, earn Americans’ trust, and improve work force morale.

Earlier this month, I introduced the DHS Reform Act. The bill seeks to ensure the Department has a strong and integrated core to secure the homeland while ensuring accountability, transparency, and protection of Americans’ civil rights and civil liberties.

This legislation reflects recommendations made by those who have closely examined the challenges facing DHS, including the Center for a New American Society, the Atlantic Council, and the Center for American Progress. All three organizations identified the need for increased oversight of the Department's law enforcement operations. For example, my bill addresses that need by creating an "associate secretary" position to oversee such operations. Additionally, my bill seeks a greater role for both the Office of Privacy and the Office of Civil Rights and Civil Liberties to strengthen Constitutional protections in DHS policies, programs, and activities. All three organizations also recognize that improving morale among the DHS work force must be a top priority.

The DHS Reform Act authorizes several programs aimed at identifying and addressing the causes of low employee morale. We have before us today representatives from these organizations. I look forward to discussing in greater detail their recommendations for transforming DHS. As the Department looks to refocus its operations to address emerging threats and long-standing challenges, the Committee on Homeland Security stands ready to assist. Unfortunately, the committee lacks jurisdiction to deliver a full DHS authorization bill or to advance legislation that reflects its oversight findings beyond a few narrowly-tailored areas.

Today, over 90 committees and subcommittees have jurisdiction over parts of DHS, and no single committee is involved in all measures relevant to the Department. I am working to change that as I engage with House Leadership and other committees. Fixing jurisdiction over DHS is one of the only recommendations of the 9/11 Commission that has yet to be resolved. This issue has hobbled both the committee and the Department for the last 15 years. It is long past time for it to be addressed.

For DHS to be successful in carrying out its wide-ranging missions, it needs to have the confidence of the American people and its partners in the homeland security enterprise. I look forward to discussing with the witnesses and the Members today how we can reform DHS to do just that.

With that, I recognize the Ranking Member, the gentleman from New York, Mr. Katko, for an opening statement.

[The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

JULY 15, 2021

Today the committee is meeting to discuss how the Department of Homeland Security must refocus its mission to best respond to the most serious threats facing our Nation. This conversation comes at a timely moment as we approach the 20th anniversary of the 9/11 attacks. DHS was established in 2003 to prevent and respond to terrorist attacks within the United States. Since then, the range of threats the Department must manage has expanded well beyond foreign terrorism.

Today, DHS is also tasked with confronting the threats posed by the Coronavirus, cyber attacks, violent domestic extremists, and climate change. It is critical that the Department assess the full range of threats facing the country and align its resources accordingly. Unfortunately, under President Trump the Department had a myopic focus on immigration and border security at the expense of its other missions.

DHS also suffered grave reputational and operational damage carrying out the last administration's failed policies. Some have embraced the notion DHS must that be dismantled, but that is not the answer. Instead, we must reform DHS to enhance

accountability and transparency, earn Americans' trust, and improve workforce morale.

Earlier this month, I introduced the DHS Reform Act. The bill seeks to ensure the Department has a strong and integrated core to secure the homeland while ensuring accountability, transparency, and protection of Americans' civil rights and civil liberties. This legislation reflects recommendations made by those who have closely examined the challenges facing DHS, including the Center for a New American Security, the Atlantic Council, and the Center for American Progress.

All three organizations identified the need for increased oversight of the Department's law enforcement operations, for example. My bill addresses that need by creating an "associate secretary" position to oversee such operations. Additionally, my bill seeks a greater role for both the Office of Privacy and the Office for Civil Rights and Civil Liberties to strengthen Constitutional protections in DHS policies, programs, and activities. All three organizations also recognized that improving morale among the DHS workforce must be a top priority.

The DHS Reform Act authorizes several programs aimed at identifying and addressing the causes of low employee morale. We have before us today representatives from these organizations. I look forward to discussing in greater detail their recommendations for transforming DHS. As the Department looks to refocus its operations to address emerging threats and long-standing challenges, the Committee on Homeland Security stands ready to assist.

Unfortunately, the committee lacks jurisdiction to deliver a full DHS authorization bill or to advance legislation that reflects its oversight findings beyond a few narrowly-tailored areas. Today, over 90 committees and subcommittees have jurisdiction over part of DHS, and no single committee is involved in all measures relevant to the Department. I am working to change that as I engage with House Leadership and other committees. Fixing jurisdiction over DHS is one of the only recommendations of the 9/11 Commission that has yet to be resolved.

This issue has hobbled both the committee and the Department for the last 15 years—it is long past time for it to be addressed. For DHS to be successful in carrying out its wide-ranging missions, it needs to have the confidence of the American people and its partners in the homeland security enterprise. I look forward to discussing with the witnesses and the Members today how we can reform DHS to do just that.

Mr. KATKO. Thank you, Mr. Chairman. I want to echo your sentiments with respect to jurisdiction. It is long past time that we fix that and I thank you for raising that issue.

I also thank you for holding this timely hearing today to discuss reforms for the Department of Homeland Security. I want to thank our distinguished witnesses for taking time to appear before the committee.

Amazingly, we are approaching the 20th anniversary of September 11. As we do, this committee and the Department stands at a crossroads. At this crossroads we can either choose to work together and successfully enact meaningful changes that will benefit this country or we can choose to go about business as usual, leaving American communities vulnerable.

Nearly 20 years ago, Congress established Homeland Security by combining 22 separate Federal agencies. The intent was to ensure that Government would be able to connect the dots of the many threats facing the American people and prevent another 9/11 from happening. To this day, to its credit, Homeland Security has been successful preventing many terrorist attacks on our soil while consistently responding to new and evolving threats to the homeland.

Given these successes, I have been astonished to hear from—calls from some of my colleagues recently on the other side of the aisle for radical changes and budget cuts that would weaken or even abolish critical Homeland Security missions that protect Americans' lives every day.

I cannot express enough how dangerous I believe this rhetoric to be as it sends all the wrong messages to our adversaries.

While there is no doubt the Department must continue to evolve and mature, its functions that are truly critical to our National security must be improved, not degraded. After 9/11, Homeland was stood up in haste to address the fears and threats facing a distressed Nation. As a result, it still faces growing pains and often struggles to nimbly respond to challenges. For example, since its inception the Department has struggled to coalesce around a common vision and create a unified culture. It is 22 separate agencies largely operating independently, keeping their own policies and cultures intact.

Homeland Security has also struggled to support centralized support functions for its components, such as acquisitions, IT systems, and financial management, all of which are still on the Government Accountability Office's high-risk list.

Although the Department has made some progress, there is still more it needs to do. I am encouraged to hear that Homeland Security's financial systems modernization is back on track and key to ensuring that the homeland can support all the components efficiently and are good stewards of taxpayer dollars. However, Homeland Security is still working to centralize other support functions necessary to put the Department in the best position to achieve its many critical missions.

Homeland Security has also made progress in anticipating and addressing new and evolving future threats to the homeland, such as those related to cybersecurity. In 2018 Homeland Security and Congress took action to address cyber threats by establishing the Cybersecurity and Infrastructure Security Agency, of CISA, to act as the Nation's lead civilian cybersecurity agency and primary conduit for information sharing and partnership with the private sector.

Last week I held a round table with CISA on ransomware issues in my district in central New York to discuss how we can prevent future attacks and further coordinate the efforts between Homeland Security and local businesses and governments. An overwhelming takeaway was how much these stakeholders value the free and voluntary services CISA provides. Now is the time to double down on our CISA investment. With the threat landscape we face, there is no other option.

I firmly believe that cybersecurity is the preeminent National security and homeland security threat we face. It is dizzying to think about the string of cyber incidents we have just seen over the last several months. State-backed espionage campaigns on Federal networks, devastating ransomware campaigns against pipelines, our food supply, transit systems, and critical IT services. The bad guys are emboldened and we must continue the full court press to flip the paradigm.

Today, Homeland Security continues to make some human capital progress. I applaud the Department for hiring nearly 300 cybersecurity professionals as part of its 60-day cyber work force "sprint". Homeland Security also has said it has exceeded its initial hiring goal of 200 new cybersecurity personnel by 50 percent and is calling it the largest cybersecurity hiring initiative in its history.

That said, the Department's authority to nimbly hire top talent, particularly in the cybersecurity arena, remain too inflexible. We

cannot be boxed in by legacy mindsets or bureaucratic inertia. To fully support CISA's work, the agency needs sustained robust funding to carry out its mission and respond to evolving threats. The Secretary has acknowledged that CISA needs to be the quarterback of the .gov domain and I fully agree. But CISA will be hard-pressed to do so without more substantial funding.

To that end I firmly believe that CISA needs to be a \$5 billion agency in the next 5 years.

Today our Nation faces vastly different threats from the one that struck on 9/11. This means that we need a DHS that can transform and adapt better than it does now. We need a homeland security that can identify and mitigate and even prevent these new threats, threats that range from China's push for global power and influence to global political and economic instability and organized crime. However, in recent years, Homeland Security's operations have been hamstrung by a high number of vacancies and turnovers in senior positions. This also must change for Homeland to formulate strategic plans and to prepare for the future security of the homeland.

Looking forward, the Department would benefit from a thorough assessment of what it is doing now, whether it should keep doing those things, and if there is something it should be doing that it isn't, what should we do about that. This is where another Quadrennial Homeland Security Review would be invaluable. This is an exercise in strategy prepared by law every 4 years, but one that DHS has not been able to accomplish since 2014—7 years ago. That is unacceptable.

I urge the Secretary and the entire Homeland Security leadership to commit to this effort. It is time for Congress and the administration to commit to the Department by instilling leaders that will buckle down, ask the hard questions, and inspire its work force to contribute to making Homeland Security into the Department the American people want and need.

Homeland Security is effective and nimble in responding to disasters, thwarting attacks of all kinds, and that is a steward of the public's trust. Homeland Security plays a vital role in keeping us safe as we travel, engage in commerce, recover from major disasters, and navigate an increasingly complex interconnected world. Despite this work, Homeland Security has struggled to earn the trust of the American people and the confidence of partners and stakeholders.

Integrating the disparate mission sets of the Department and ensuring that it is nimble enough to respond to pressing threats is paramount to providing comprehensive security to our Nation.

So, let us roll up our sleeves and figure out what we need to do to protect and safeguard the American people better than we do right now.

Thank you, Mr. Chairman, and I yield back.

[The statement of Ranking Member Katko follows:]

STATEMENT OF RANKING MEMBER JOHN KATKO

Mr. Chairman, thank you for holding this timely hearing to discuss reforms for the Department of Homeland Security and thank you to our distinguished witnesses for taking time to appear before the committee.

We are quickly approaching the 20th anniversary of September 11 and as we do, this committee, and the Department, stand at a crossroads. At this crossroads, we can either choose to work together and successfully enact meaningful changes that will benefit this country, or we can choose to go about business as usual, leaving American communities vulnerable.

Nearly 20 years ago, Congress established DHS by combining 22 separate Federal agencies. The intent was to ensure that Government would be able to connect the dots of the many threats facing the American people and prevent another 9/11 from happening. To this day, and to its credit, DHS has been successful at preventing many terrorist attacks on our soil, while consistently responding to new and evolving threats to the homeland.

Given these successes, I have been astonished to hear calls from some of my colleagues on the other side of the aisle for radical changes and budget cuts that would weaken or even abolish critical homeland security missions that protect American lives every day. I cannot express how dangerous I believe this rhetoric to be, as it sends all the wrong messages to our adversaries. While there is no doubt the Department must continue to evolve and mature, its functions are truly critical to our National security and must be improved, not degraded.

After 9/11, DHS was stood up in haste to address the fears and threats facing a distressed Nation. As a result, it still faces growing pains and often struggles to nimbly respond to challenges.

For example, since its inception, the Department has struggled to coalesce around a common vision and create a unified culture. Its 22 separate agencies have largely operated independently, keeping their own policies and cultures intact.

DHS has also struggled to centralize support functions for its components, such as acquisitions, IT systems, and financial management, all of which are still on the Government Accountability Office's high-risk list. Though the Department has made some progress, there is still more it needs to do. I am encouraged to hear that DHS's financial systems modernization is back on track and key to ensuring that DHS can support all the components efficiently and are good stewards of taxpayer dollars. However, DHS is still working to centralize other support functions necessary to put the Department in the best position to achieve its many critical missions.

DHS has also made progress in anticipating and addressing new and evolving future threats to the homeland, such as those related to cybersecurity. In 2018, DHS and Congress took action to address cyber threats by establishing the Cybersecurity and Infrastructure Security Agency to act as the Nation's lead civilian cybersecurity agency and primary conduit for information sharing and partnership with the private sector. Last week I held a roundtable with CISA on ransomware issues in my district in Central New York to discuss how we can prevent future attacks and further coordinate efforts between DHS and local businesses and governments. An overwhelming takeaway was how much these stakeholders value the free and voluntary services CISA provides. Now is a time to double down on our CISA investment. With the threat landscape we face, there is no other option.

I firmly believe that cybersecurity is the pre-eminent National security and homeland security threat we face. It's dizzying to think about the string of significant cyber incidents we have seen just over the last 7 months—State-backed espionage campaigns on Federal networks, devastating ransomware campaigns against pipelines, our food supply, transit systems, and critical IT services. The bad guys are emboldened, and we must continue the full court press to flip the paradigm.

Today, DHS continues to make some human capital progress. I applaud the Department for hiring nearly 300 cybersecurity professionals as a part of its 60-day cyber workforce sprint. DHS also says it has exceeded its initial hiring goal of 200 new cybersecurity personnel by 50 percent and is calling it the "largest cybersecurity hiring initiative in its history." That said, the Department's authorities to nimbly hire top talent, particularly in the cybersecurity arena, remain too inflexible. We cannot be boxed in by legacy mindsets or bureaucratic inertia.

To fully support CISA's work, the agency needs sustained, robust funding to carry out its mission and respond to evolving threats. The DHS Secretary has acknowledged that CISA needs to be the quarterback of the .gov, and I fully agree, but CISA will be hard-pressed to do so without more substantial funding. To that end, CISA needs to be a \$5 billion agency in the next 5 years.

Today, our Nation faces vastly different threats than the one that struck on September 11. This means that we need a DHS that can transform and adapt. We need a DHS that can identify, mitigate, and even prevent these new threats—threats that range from China's push for global power and influence, to global political and economic instability and organized crime.

However, in recent years, DHS operations have been hamstrung by a high number of vacancies and turnover in senior positions. This also must change for DHS

to formulate its strategic plans and to prepare for the future security of the homeland.

Looking forward, the Department would benefit from a thorough assessment of what it is doing now, whether it should keep doing those things, and if there is something it should be doing that it isn't.

This is where another Quadrennial Homeland Security Review would be invaluable. This is an exercise in strategy required by law every 4 years, but one that DHS has not been able to accomplish since 2014, 7 years ago. I urge the Secretary and the entire DHS leadership to commit to this effort.

It is time for Congress and the administration to commit to the Department by instilling leaders that will buckle down, ask the hard questions, and inspire its workforce to contribute to making DHS into the Department the American people want and need. A DHS that is effective and nimble in responding to disasters, thwarting attacks of all kinds, and that is a steward of the public's trust.

DHS plays a vital role in keeping us safe as we travel, engage in commerce, recover from major disasters, and navigate an increasingly complex, interconnected world. Despite this work, DHS has struggled to earn the trust of the American public and the confidence of partners and stakeholders. Integrating the disparate mission sets of the Department and ensuring that it is nimble enough to respond to pressing threats is paramount to providing comprehensive security to our Nation. So, let's roll up our sleeves and figure out what DHS needs to do to protect and safeguard the American people.

Thank you, Mr. Chairman, and I yield back.

Mr. KATKO. Mr. Chairman, we are unable to hear you.

Chairman THOMPSON. Thank you very much. I guess the gremlins have gotten me too.

Other Members of the committee are reminded that under the committee rules opening statements may be submitted for the record. Members are also reminded that the committee may operate according to the guidelines laid out by the Chairman and Ranking Member in our February 3 colloquy regarding remote procedures.

I now welcome our panel of witnesses.

Our first witness, Miss Carrie Cordero, the Robert M. Gates senior fellow at the Center for New American Security, and author of the report titled "Reforming the Department of Homeland Security Through Enhanced Oversight and Accountability".

Our next witness is Mr. Tom Warrick, director of The Future of DHS Project at the Atlantic Council. Mr. Warrick previously served as the DHS deputy assistance secretary for counter-terrorism policy.

Our third witness is Miss Katrina Mulligan, acting vice president for the National Security and International Policy at the Center for American Progress and author of "Redefining Homeland Security: A New Framework for DHS to Meet Today's Challenges".

Our final witness is Mr. Frank Cilluffo, who is the director of Auburn University's McCrary Institute for Cyber and Critical Infrastructure Security. He previously directed President Bush's Homeland Security Advisory Council.

Without objection, the witnesses' full statements will be inserted in the record.

I now ask Ms. Cordero to summarize her statement for 5 minutes.

**STATEMENT OF CARRIE CORDERO, SENIOR FELLOW AND
GENERAL COUNSEL, CENTER FOR A NEW AMERICAN SECURITY**

Ms. CORDERO. Chairman Thompson, Ranking Member Katko, Members of the committee, thank you for the opportunity to appear before you today on the important topic of informing the Department of Homeland Security.

For the past 2 years I have led a project at the Center for a New American Security focused on reforming DHS with a specific emphasis on selected law enforcement, intelligence, border security, and immigration aspects of the Department's work. I am grateful for the opportunity to share the insights developed through this project and to work with this committee going forward in connection with its important oversight and legislative responsibilities.

I am particularly delighted to be joined today by my friends and colleagues, Katrina Mulligan, Tom Warrick, and Frank Cilluffo, all of whom have meaningful insights and expertise to share with the committee.

As I mentioned in my written testimony, my grounding is a 9/11-era operational counter-terrorism and counterintelligence lawyer. As a result of that formative experience, I have zero interest in going backward and undoing nearly 20 years of changes to the laws and institutions that kept the country safe from an act of terrorism on the scale of September 11. However, 2021 is not 2001 and the threats that the country faces today are not the same. Maligned foreign cyber aggression, domestic terrorism, natural disasters, and pervasive domestic gun violence are all affecting Americans on a daily basis. DHS must adapt to current and emerging threats while improving its internal oversight and accountability.

In short, I don't just want us to develop a DHS that can meet today's threats, I want to see a DHS that has the legislative framework, organizational capability, trained, resourced, and expert work force that is ready to meet tomorrow's threats. I am heartened by this committee's willingness to take on this important work.

But our institutions are not keeping up. Although there were advance warnings, our Nation was unprepared to respond to the global pandemic that has killed over 600,000 Americans. As someone who had a front-row view to the prompt, decisive, bipartisan action that Congress and the Federal Government took to respond to the 9/11 attacks, the insufficiency of the Federal Government's response as it emerged in early 2020 is impossible to ignore.

DHS in particular was created to protect the country from foreign threats, yet it appeared to have played no meaningful role in warning the country or mobilizing its response to the pandemic in the early months of the virus spread across the country.

As another example of the insufficiency of our institutions to protect our democracy, it was not foreign terrorist but domestic terrorists and insurgents who threatened the Constitutional order and the personal safety of the Members and staff of Congress on January 6. Although I don't subscribe to the view that January 6 was an intelligence failure, our homeland security apparatus could have done more.

DHS, through the Secret Service, leads National special security event operations. Had the 6th been designated an NSSE and been subject to its rigorous planning and preparation protocol, the events we witnessed would not have reached the level of severity that they did. The protection of our Constitutional system and the effective transfer of power was primarily thanks to the heroic actions of members of the Capitol Police and the District of Columbia's Metropolitan Police Department.

We still need to improve the physical security of the Capitol and Members of Congress, as well as other public officials, like election officials and judges in this environment of political violence. A review of those protective measures and recommendations for improvement will I hope be a component of the newly-formed select committee under the Chairman's leadership.

Turning to the DHS Reform Act of 2021, my written testimony includes a selected set of recommendations, several which I am grateful to see reflected in the bill. The DHS Reform Act will pave the way for a better DHS. As you work to move it out of committee, I hope that you will consider some of the additional recommendations in my written testimony and underlying reports.

To highlight just a few quickly here, I strongly support the proposal to create an associate secretary to bolster the leadership capacity of the Department. That proposal was a key recommendation of my May 2020 report and also by the other independent reviews of my colleagues here today.

In addition, I recommend that Congress update the DHS mission at Section 101 of the Homeland Security Act. DHS cannot do its best work if its statutory mandate, organization, and funding is inextricably tied to a threat of a prior era while other threats present a growing menace. Updating the statutory mission might also improve the persistent morale issues at the Department that I know the committee is interested in.

Finally, the oversight and accountability for the considerable law enforcement components of DHS need to mature. DHS was not created to serve as a Federal police force, a function reserved for the States and localities, nor is it an internal security service or a domestic intelligence service, concepts that were roundly rejected, even after the 9/11 attacks. The risks of not reforming the law enforcement functions are substantial, and I outline them further in my written testimony.

Thank you very much for the opportunity to participate today. I look forward to your questions and to continuing to work with this committee.

[The prepared statement of Ms. Cordero follows:]

PREPARED STATEMENT OF CARRIE CORDERO

JULY 15, 2021

I. INTRODUCTION

Chairman Thompson, Ranking Member Katko, and Members of the committee, thank you for the opportunity to appear before you today on the important topic of reforming the Department of Homeland Security (DHS or the Department). For the past 2 years, I have led a project at the Center for a New American Security (CNAS) focused on reforming DHS, with a specific emphasis on selected law enforcement, intelligence, and border security and immigration aspects of the Department's work.

I am grateful for the opportunity to share the insights developed through this project, and to work with this committee going forward in connection with its important oversight and legislative responsibilities.

Since this is my first appearance before this committee, I thought it might be useful to provide some additional information about my background and experience to give you a better sense of the perspective I bring to these issues. My grounding is as a 9/11-era operational counterterrorism and counterintelligence lawyer. I worked in the National security components of the Justice Department pre- and post-9/11 and was sent over to the FBI's Strategic Information Operations Center the morning of 9/11 after the second tower was struck, where I continued to work over the days, weeks, and months thereafter, supporting the Justice Department's National security operations. Most of my Government experience from 2000–2010 was at the intersection of National security, foreign intelligence collection, and protecting civil liberties and privacy, including matters handled under the Foreign Intelligence Surveillance Act. As the first Justice Department National Security Division (NSD) detailee to the Office of General Counsel in the Office of the Director of National Intelligence from 2007–2009, I served as the primary legal advisor to the intelligence community's Civil Liberties Protection Officer, and routinely provided advice to intelligence community executive leaders on what we then referred to as the “domestic intelligence” or, domestic security and intelligence portfolio. I was integrally involved in developing guidelines and interagency oversight processes related to National security investigations. Upon returning to the NSD front office in 2009, I co-chaired an interagency task force focused on improving processes related to intelligence, surveillance, and compliance. Since leaving Government service in 2010, I have taught graduate-level law seminars at Georgetown Law on intelligence community reform and cybersecurity law and policy. Accordingly, I approach National and homeland security legislative and policy issues with the eye of both a practitioner and an academic.

As a result of these formative professional experiences, I have zero interest in going backward, and undoing nearly 20 years of changes to the laws and institutions that kept the country safe from an act of international terrorism on the scale of September 11, 2001. However—and this is important—2021 is not 2001. The threats to security and safety the country faces today are not the same. While some threats of the past have receded, they have not disappeared. Instead, threats to American security, safety, and health appear to have compounded. And our National and homeland security institutions which are designed to protect Americans from the threats they actually face need to keep pace. In short, I don't just want us to develop a DHS that can meet today's threats, I want to see a DHS that has the legislative framework, organizational capability, and trained, resourced, and expert workforce that is ready to meet tomorrow's threats.

II. RECENT HOMELAND SECURITY CHALLENGES

There are indications that our institutions are not keeping up with the current and emerging threat landscape, and DHS is, unfortunately, an example. Although there were advance warnings by experts and planning by prior administrations, by orders of magnitude, our Nation was unprepared to respond to the global pandemic that has killed over 600,000 Americans and 4 million souls world-wide. As someone who had a front-row view to the prompt, decisive, bipartisan action Congress and the Federal Government took to respond to the 9/11 attack, the insufficiency of the Federal Government's response to the greatest public safety threat as it emerged in early 2020 is impossible to ignore. DHS, in particular, was created to protect the country from foreign threats. From an outside observer's perspective, however, it has appeared to have played no meaningful role in warning or protecting the country or mobilizing its response to the Coronavirus pandemic in the early months of the virus' spread across the United States. As Secretary Alejandro Mayorkas testified before this committee in March, that has since changed.

As another example of the insufficiency of our institutions to protect our democracy, it was not foreign terrorists but domestic terrorists and insurgents who threatened the Constitutional order and the personal safety of Members and staff of the U.S. Congress on January 6, 2021. Although I do not subscribe to the view that January 6 was an intelligence failure, our homeland security apparatus should have been mobilized to do more to protect against the destruction and violence of that day. DHS—through the departmental component of the Secret Service—leads National Special Security Event (NSSE) operations. In my judgment, had January 6 been designated an NSSE and been subject to its rigorous planning and preparation protocols, the events we witnessed on that day would not have reached the level of severity that they did. DHS had both an intelligence warning and a protective co-

ordination role that it could have leveraged in anticipation of that day's violence; instead, the protection of our Constitutional system and the effective transfer of power was primarily thanks to the heroic actions of members of the Capitol Police and the District of Columbia's Metropolitan Police Department.

The political dynamics that motivated the violent insurgency of January 6, 2021, have not fully dissipated; continued work from intelligence, law enforcement, and physical security perspectives must continue. The administration's National Strategy for Countering Domestic Terrorism, issued last month by the National Security Council, is a good start and outlines how various agencies, including DHS, can facilitate the sharing of information and development of programs that raise awareness about warning signs for domestic terrorism. Meanwhile, there remains important work to be done to improve the physical security of the Capitol and Members of Congress, whether here in Washington, DC, or at home in their districts, as well as that of other public officials like election officials and judges, in this continued environment of potential political violence. A review of those protective measures and recommendations for substantial improvement, will, I hope, be a significant component of the newly-formed Select Committee, under the Chairman's leadership.

Meanwhile, malign foreign cyber aggression, additional manifestations of domestic terrorism, natural disasters prompted by a changing climate, and pervasive domestic violence facilitated by gun proliferation are affecting all Americans on a daily basis. DHS is a Department that could be capable of better protecting our citizens from these types of threats. But in order to do so, DHS must adapt to current and emerging threats while improving its internal oversight and accountability. It needs Congress' attention, engagement, and action to do so. I am heartened by this committee's willingness to take on this important work.

III. MISSION

As this committee recognizes by virtue of holding this hearing, it is time to take a renewed look at the core mission of DHS. The Department was created in 2002 to bring together capabilities of 22 different Federal Government entities with a wide array of functions, primarily to protect against a future international terrorist attack. From the outset, however, the nature of the day-to-day activities of the DHS components included aspects that could relate to counterterrorism, but that also covered a range of activities that had nothing to do with terrorism. Areas like immigration, border security, law enforcement, emergency management, and transportation security are all ones that are relevant to the counterterrorism mission, but are also functions that are far broader than just counterterrorism.

Accordingly, Congress should update Section 101 of the Homeland Security Act to reflect the activities that DHS engages in on a day-to-day basis, and to provide flexibility for the Department to shift activities and priorities as the threat environment evolves. It's time to provide the statutory grounding to enable this Department to move beyond the post-9/11 era. This is not to say the international terrorism threat does not exist. But the modern threat environment has evolved. DHS cannot do its best work under the current threat environment if its statutory mandate, organization, and funding is inextricably tied to an international terrorism threat of a prior era, while other threats present a growing menace to the United States' society, economy, and safety.

Congress could take two different approaches to modernizing the statutory mission. It could start from scratch and reimagine the Department's mission. Alternatively, even a modest update to the text could provide much greater flexibility for the Department to evolve in closer alignment with current, emerging, and future threats to the homeland. In my May 2020 report, *Reforming the Department of Homeland Security Through Enhanced Oversight & Accountability*, I included proposed text that provides a modest revision to the statutory mission and would welcome the opportunity to work with this committee on refining it further.

Updating the statutory mission might also contribute to rectifying the persistent and dismal morale issues at the Department. As Members of this committee are likely aware in the Partnership for Public Service's 2020 rankings of the best places in the Federal Government to work, DHS ranks dead last for large agencies. DHS is a Department where many employees work on issues that are unconnected or have only theoretical connections to the counterterrorism mission. One way to not only improve the performance and functioning of the Department, but also the morale of its valuable workforce, is to ensure that each and every DHS employee is invested in the Department's mission. Based on my experience in public service, I know that mission is what motivates public servants. If we want to motivate the DHS workforce to feel pride in their work, we need to do a better job of making sure that they see their efforts reflected in the Department's mission.

IV. IMPROVING OVERSIGHT & ACCOUNTABILITY FOR LAW ENFORCEMENT FUNCTIONS

DHS currently houses the largest Federal law enforcement officer capacity of any department in the Federal Government. There are law enforcement components and activities spread across a wide range of the Department's agencies and sub-components. DHS was not created, however, to serve as a Federal police force, a function reserved for States and localities. Nor is it an internal security service or a domestic intelligence service, concepts that were roundly rejected, even after the 9/11 attacks.

While the administration, as a practical matter, needs to focus on the day-to-day management of the Department, solving problems, and improving operational competency and morale, Congress needs to seriously think about and take steps to future-proof this Department against inappropriate political pressure or outright abuse of law enforcement authority and power. From the implementation of the travel ban, to the enactment of the family separation policy, to the aggressive deployment of tactical units to Portland, Oregon, DHS has, unfortunately, revealed itself as an institution that is not capable of withstanding inappropriate political pressure. This state of affairs is neither fair to the workforce of DHS or the people it serves and interacts with in the course of performing its legitimate and lawful functions.

The risks of not reforming the law enforcement functions are substantial. First, the aggressive deployment of law enforcement personnel into situations for which they are neither trained nor prepared for places both officers and civilians at risk. Second, to the extent DHS may deploy its law enforcement personnel beyond their intended purposes, activities may be conducted outside the bounds of laws, proper procedures, and each component's mission. These actions harm public confidence in not just the Department, but law enforcement Nation-wide. Today's environment is a difficult one for law enforcement officers and police who do follow the law and serve the public interest to the best of their abilities; heavy-handed local law enforcement activity by DHS is not helpful to the efforts at the State and local level to build public confidence in law enforcement personnel. Third, DHS is a highly operational Department: Its officers and employees interact with the public—both U.S. citizens and foreign persons—daily, routinely, and at a high volume. Clear guidelines, sophisticated and up-to-date training, and robust oversight structures are essential to ensure that DHS law enforcement officers carry out their responsibilities in accordance with the Constitution, laws, and rules, especially those related to the protection of civil liberties and privacy.

V. DHS REFORM ACT OF 2021

The DHS Reform Act of 2021 is a positive step toward providing greater oversight and accountability for the Department. In all, the proposed legislation provides appropriate and needed reforms that will pave the way for a better DHS. As you work to move it out of this committee, I hope that there will be constructive efforts to build bipartisan support for it. While I will not comment on each provision of the proposed legislation in this written statement, I do wish to highlight and offer constructive comments on certain aspects of the proposed legislation:

- I strongly support the proposal to create an associate secretary to bolster the leadership capacity of the Department in Section 102 of the bill. This proposal was a key recommendation of my May 2020 report, and was also recommended by the other independent reviews conducted since then. Given the particular expertise needed to oversee law enforcement activities, the portfolio designated in the bill makes sense and will ensure that the Secretary has the needed space to give sufficient attention to all aspects of the Department's work, and not be unduly focused on immigration and border security, which are important, but do not represent the full scope of the Department's functions and responsibilities.
- In order to ensure that the Department's leadership has the needed flexibility to address not just today's homeland security threats but tomorrow's, I would urge Congress not to limit the organization of certain internal aspects of the Department too narrowly. For example, Section 308 of the bill designates "no more than five Assistant Secretaries within the Office of Strategy, Policy, and Plans with divided responsibility" for areas that the proposed legislation then defines roughly as counterterrorism, border security and immigration, cybersecurity and infrastructure security, law enforcement, and trade and economic security. In the current environment, for example, natural disaster emergency management or public health emergency response might be areas that would benefit from this designation. In another decade or two, other areas might benefit from this policy leadership focus. Congress may wish to allow a future Secretary or under secretary slightly more flexibility in designating the functions of assistant

secretaries as the threat environment and the needs of the Department change over time.

- One area that I also urge the committee to consider including in future debate or amendments is a requirement for the promulgation of modernized operational guidelines for law enforcement activities across the Department. While the bill at Section 890c does provide for “policies and guidelines” to better train on “accountability, [and] standards for professional and ethical conduct,” given the substantial law enforcement—including complex investigative activities—the Department engages in, the Department should have operational guidelines that establish the Constitutional floor for operational activities and provide clear guidance for the scope and conduct of those activities. Given the breadth of the Department’s law enforcement responsibilities and the nature of its complex investigations, the guidelines should be developed in consultation with the Attorney General, and should be made publicly available, consistent with National security.
- The bill proposes valuable provisions to bolster the work of the chief privacy officer in Section 301 and officer for civil rights and civil liberties in Sections 306, and requires coordination with both those officials in Section 511 for programs that affect their areas of expertise. I would go a step further and create an under secretary for privacy, civil liberties and transparency, as discussed in my May 2020 report. Joining these offices under one high-level official and adding transparency as an additional highlighted function would provide a stronger voice and capability to coordinate these important functions Department-wide.

VI. SUMMARY OF RECOMMENDATIONS

Over the past 2 years, I, along with colleagues internal and external to CNAS, have made a variety of recommendations to modernize the DHS mission and improve the Department’s operations, oversight, and accountability, particularly related to selected law enforcement, intelligence, and border security and immigration functions. Launched in 2019, the CNAS project on DHS oversight and accountability has played a leading role in bringing greater policy community attention to DHS and the need for modernizing and reforming the organization to meet the threats of today and tomorrow. Research under this project has drawn on a wide range of experts with operational, policy, and legal expertise, including input and advice from prior DHS senior leaders who have served in every administration since the Department’s creation.

For ease of reference, a selected set of recommendations—several of which are reflected in the DHS Reform Act of 2021—made as part of this on-going project is provided below. These recommendations are drawn from the following reports, policy briefs, and articles published in connection with CNAS’ umbrella project on DHS oversight and accountability:

- Carrie F. Cordero, Heidi Li Feldman, and Chimène Keitner, “The Law Against Family Separation,” *Columbia Human Rights Law Review*, 51 no. 2 (2020).
- Carrie Cordero, “Reforming the Department of Homeland Security Through Enhanced Oversight & Accountability,” (Center for a New American Security, May 2020), with photographs by Ivan Pierre Aguirre.
- Carrie Cordero and Katrina Mulligan, “Modernizing the Department of Homeland Security,” *Lawfare*, December 9, 2020.
- Carrie Cordero and Katie Galgano, “The Department of Homeland Security: Priorities for Reform,” (Center for a New American Security, March 11, 2021).
- Christian Beckner, “Reassessing Homeland Security Intelligence: A Review of the DHS Office of Intelligence and Analysis,” (Center for a New American Security, May 25, 2021).
- Carrie Cordero and Katie Galgano, “From Mardi Gras to the Philippines: A Review of DHS Homeland Security Investigations,” (Center for a New American Security, forthcoming July/August 2021).

MISSION

- Congress should update the Department’s statutory mission at Section 101 of the Homeland Security Act to reflect current and emerging threats and facilitate the Department’s ability to adapt to tomorrow’s threats.
- The administration should recalibrate the Department’s focus on security and safety issues that most threaten Americans today, and enable the Department to pivot to the threat environment of tomorrow.
- The administration should align the use of law enforcement powers with intended purpose and prioritization, including limiting the use and deployment of Border Patrol personnel for border security purposes only.

ORGANIZATION

- Congress should create the position of associate secretary to provide more robust leadership capacity across the Department's extraordinarily wide range of responsibilities and activities.
- Congress should create the position of under secretary for privacy, civil liberties, and transparency, to ensure better coordination across the Department of these important portfolios at a higher profile leadership level.
- The Secretary should direct the Office of Strategy, Policy, and Plans to develop policies and procedures to better coordinate oversight and compliance across the Department.
- The administration should create a joint duty program across DHS components and at DHS headquarters, and include joint duty as a path to career advancement.
- The administration and Congress should work together to place the Office of Intelligence and Analysis (I&A) on stronger, forward-looking footing, by either "going big" and broadening the scope of I&A's authority and functions, or "going small" and focusing I&A's work on a tighter, more discrete set of core issues that better serves Departmental leaders and focuses on high-quality products with a tailored utility and audience.
- The administration and Congress should work together to focus the operations, eliminate redundancies with other Federal investigative law enforcement agencies, and improve oversight over DHS Homeland Security Investigations (HSI), including considering removing HSI from Immigration and Customs Enforcement (ICE) and creating a Senate-confirmed component head.
- The administration should create a Department Leadership Council, consisting of the component and agency heads to meet regularly with the Secretary and deputy secretary.
- The administration should create a Departmental Oversight and Accountability Council, which would bring together the compliance and oversight personnel across the Department responsible for legal, civil liberties, and privacy protection.

OVERSIGHT

- The Secretary should direct a review of law enforcement operational guidelines across the components of the Department, as well as a review of operational procedures and guidelines governing detention practices.
- Congress should mandate the development and issuance of modernized law enforcement operational guidelines, in consultation with the Attorney General.
- Congress should direct the public release of newly developed law enforcement operational guidelines, consistent with the protection of National security.
- Congress should conduct or direct the execution of an oversight review of the number and function of political appointees across the Department at non-leadership levels and identify opportunities to recalibrate the balance of political and career officials at non-leadership levels.
- Congress should continue to enhance the authority of the homeland security committees of Congress to serve as the primary vehicles for conducting oversight of DHS.
- With respect to family separation in the immigration context, Congress should legislate requirements for the reunification of families separated under the 2018 policy, mandate an adequate Government tracking system for children who enter the border security and immigration system, and legislate adequate representation for children in immigration proceedings.

Thank you for the opportunity to participate today. I look forward to your questions and continuing to work with this committee.

Chairman THOMPSON. Thank you very much.

I now ask Mr. Warrick to summarize his statement for 5 minutes.

**STATEMENT OF THOMAS S. WARRICK, SENIOR FELLOW AND
DIRECTOR OF THE FUTURE OF DHS PROJECT, ATLANTIC
COUNCIL**

Mr. WARRICK. Thank you very much, Mr. Chairman. Ranking Member Katko and Members of the committee, thank you for the opportunity to testify here today.

It is clear that DHS today needs all of the good help it can get. It is the third-largest Cabinet department in the U.S. Government, has more than 200,000 employees, and its missions include some of our country's most important challenges. There are many DHS mission areas that need attention, it has management challenges throughout the Department for most of which is morale, with 2020 having been a particularly tumultuous year.

At the outset, Mr. Chairman, I just say that the Atlantic Council itself does not take positions on legislation. Views expressed are those of individual experts. I do want to thank our senior advisory board, our former secretaries and acting secretaries and the more than 100 experts on homeland and National security who contributed to our findings and recommendations, and to technical support from Accenture Federal Services and SAIC on how to support the DHS work force and understand DHS's unique organizational challenges. But the responsibility for the conclusions are mine.

So it is on that basis, Mr. Chairman, that I want to offer my endorsement of H.R. 4357, the DHS Reform Act of 2021, which embodies some of the best thinking about how DHS needs to be reformed. I also urge the Members of this committee to continue your efforts to make the Department more effective in protecting the American people from non-military threats.

Mr. Chairman, any comprehensive assessment of DHS starts with the need to refocus its mission. On this point, all of the reports that you have been reading agree. Our report said that the most urgent threat when we released it in September 2020 was the COVID-19 pandemic and the greatest long-term threat to lives and infrastructure comes from climate change and that DHS should prioritize its work in these areas. I am obviously very pleased to see that the Biden administration has taken up both of these challenges with the priority that it deserves.

But the one other important point I need to make is that our report calls for DHS to take on the overall mission of defending the United States and the American people from non-military threats. DHS's missions currently include protecting American democracy from cyber attacks, protecting critical infrastructure, election security, countering foreign nation-state misuse of our social media platforms, all of which I group together under the umbrella of protecting American democracy.

It is true that DHS needs to maintain its level of resources and efforts on all of its other missions. One of the hallmarks of the Department, as you said, Mr. Chairman, is it keeps adding missions, but none of its current missions goes away. Just as the United States is fortunate to have a Department of Defense and men and women in uniform who lead the Nation's defense against military threats, DoD is not the right place to lead defense of the Nation against non-kinetic threats. So if DoD's bumper sticker version of its mission is we fight and win America's wars, DHS needs to think of its mission as we lead the defense of the Nation against non-military threats. This is what DHS needs to move toward.

DHS also needs to think of communications as a core mission and win the trust of the American people by how it takes on what it does. It also needs to modernize its approach to public-private

partnerships because that is the way DHS contributes to tackling the dangers from climate change.

DHS morale is another important challenge. Let me ask the Clerk to put up slide No. 2 for the committee to take a look at. One of the things that we have all noted is that DHS has ranked last in the annual surveys of employee morale since 2010. The data from the September–October 2020 shows DHS is still last among large Cabinet departments and agencies in the Federal Government.

But our analyses show that morale at DHS is not a hopeless task—far from it. DHS has had numerous success stories. Frank Taylor at the Office of Intelligence and Analysis, between 2014 and 2017, Sarah Saldaña at Immigration and Customs Enforcement, Tex Alles and John Kelly at the U.S. Secret Service between 2017 and 2019.

If I could ask the Clerk to show slide 3. Thanks. Unfortunately, in 2020 morale at one of DHS's two long-time success stories, U.S. Citizenship and Immigration Services fell off a cliff. USCIS fell from 90th of 420 sub-agencies to 339th out of 411. The reasons for this drop is overhearing of their own. DHS had other success stories. The components that were most associated with the response to the COVID–19 pandemic and protecting our 2020 election showed their morale improve because I believe of a combination of good leadership and commitment to the importance of their missions.

There are a number of other reforms that need to be made that will obviously enhance morale. This committee's hearing on May 4 on the rights of the TSA work force coincided with our recommendation that TSA be the first project for reform and that pay and work force issues need to be prioritized. Secretary Mayorkas announced that this was his priority as well on June 3. It is important now to ensure that DHS get the necessary funding.

You can take the slides down. Thanks.

There are other management challenges DHS needs to address, very quickly, strengthening headquarters, better coordination of policy and resources and, in particular, as my colleague, Carrie Cordero said, establishing an associate secretary to coordinate law enforcement activities without micromanaging what those law enforcement agencies need to do.

DHS needs to integrate more substantively civil rights, civil liberties, privacy protections, and rotate people in and out.

Mr. Chairman, what both you and Representative Katko said about the importance of consolidating Congressional oversight also needs to be a priority.

So, with that, I would be happy to answer any questions that the committee may have.

Thank you.

[The prepared statement of Mr. Warrick follows:]

PREPARED STATEMENT OF THOMAS S. WARRICK

JULY 15, 2021

When the Atlantic Council started developing The Future of DHS Project in June 2019, no Washington-based think tank had done a comprehensive study of the Department of Homeland Security since 2004. Today, you have three: By the Atlantic

Council's Future of DHS Project, the Center for a New American Security, led by Carrie Cordero, and the Center for American Progress, led by Katrinia Mulligan. True, there has been a lot of expert thought and advice across the political spectrum on the individual issues DHS is involved in, including from experts like Frank Cilluffo—on issues like cybersecurity, borders and immigration, counterterrorism, and climate change—but in the 15 years since 2004, there had not been as much attention given to DHS as an institution.

Yet it's clear that DHS needs all the good help it can get. DHS is the third-largest Cabinet department in the U.S. Government. It has more than 200,000 employees. Its missions include many of our country's most important security challenges. Many of DHS's mission areas need more attention than they have been receiving. Since 2010, despite some years of improvement, employee morale at DHS was consistently last among large Cabinet departments. Management challenges abounded, with 2020 being a particularly tumultuous year.

Although our 3 reports differ in important ways, they have a number of fundamental points in common. As I walk you through the conclusions of the Atlantic Council's Future of DHS Project reports, I want to recognize some of the progress to date, with special thanks to the work of this committee and Chairman Thompson for leading the push for reform at DHS. I will also note some of the points that the 3 respective reports have in common. I want to offer my endorsement of H.R. 4357, the DHS Reform Act of 2021, which embodies some of the best thinking about how DHS needs to be reformed. I also want to urge the Members of this committee to continue the effort and make the DHS Reform Act the first of a series of Congressional efforts to make the Department more effective in protecting the American people from non-military threats.

I should take a moment to note the Atlantic Council's policy of intellectual independence. The Atlantic Council itself does not take positions on legislation. Views expressed are those of individual experts. I also want to credit our Senior Advisory Board of former Secretaries and Acting Secretaries, who helped guide the project and the more than a hundred experts who contributed to our findings and recommendations. Of course, responsibility for the conclusions is mine, as the lead author and director of The Future of DHS Project.

SUMMARY OF THE ATLANTIC COUNCIL'S FUTURE OF DHS REPORTS FROM 2020

1. Re-Focus DHS's Mission on Protecting the Nation from Non-Military Threats

Any comprehensive assessment of DHS must start with the need to re-focus DHS's mission. On this foundational point, all 3 reports agree. The Future of DHS Project report, released in August and September 2020, said that the most urgent threat facing the United States was the COVID-19 pandemic. The greatest long-term threat that DHS needs to focus on is the threat to lives and infrastructure from climate change. The Biden administration has taken up both these challenges with the priority they deserve.

On the threat of terrorism, we pointed out that while terrorism may have been the reason DHS was founded, over the years DHS has had missions added to it that leave terrorism one mission among many. I agree with my colleague Carrie Cordero's conclusion that DHS needs a new authorizing statute to replace the Homeland Security Act of 2002 in a way that makes DHS's missions more clear.

Even the terrorism threat is changing. DHS needs to use the next 2 to 3 years to get ready to deal with a different terrorist threat than we faced on 9/11. Our report said in September 2020 that DHS needs to give more attention and resources to domestic terrorism, White supremacy, and other "home-grown" causes. The January 6 attack on the U.S. Capitol only reinforced this conclusion. The Atlantic Council's "After the Insurrection" series has looked at what needs to be done to address this threat. The Biden administration's domestic terrorism strategy released in May was a good start, especially its call for the domestic terrorism response to be ideologically neutral while recognizing that White supremacists and other like-minded violent extremists are unquestionably responsible for more lethal attacks than any other ideological movement in the past decade—and as an attack on American democracy, nothing comes close to the January 6 attack on the Capitol. It was also good to see additional funding for domestic terrorism programs at DHS and the Department of Justice (DOJ). However, the strategy needs more money and people to succeed. A good strategy alone doesn't tell us victory's sticker price.

There is one very important point about re-focusing DHS missions that I want to make. The Future of DHS report calls for DHS to take on the overall mission of defending the United States and the American people from non-military threats. DHS missions currently include protecting American democracy from cyber attacks, protecting critical infrastructure, election security, countering foreign nation-state

misuse of social media. I group all of these under the umbrella of “protecting American democracy.”

DHS needs to maintain its level of resources and efforts on counterterrorism, aviation security, border management and immigration, maritime security, emergency management, disaster response, and protecting U.S. continuity of governance. None of DHS’s current missions is going away, but this shows that DHS currently has most of the stovepipes of non-military defense already under its umbrella.

The United States is fortunate to have the Department of Defense (DoD) and our men and women in uniform leading the defense of the Nation against military threats. However, DoD is not the right place to lead the defense of the Nation against non-kinetic threats. However, there does need to be a Cabinet department that can provide unity of effort against non-military threats.

If DoD’s bumper-sticker version of its mission is “We fight and win America’s wars,” DHS needs to think of its mission as “We lead the defense of the Nation against non-military threats.”

This is what DHS needs to move toward.

DHS also needs to think of communications as a core mission. This means better communications with other parts of the Federal, State, local, Tribal, and territorial governments, the private sector, and especially the American people. DHS needs to have access to Classified communications and a press office equal to that of other departments for which communications with the public is a vital part of its mission. DHS needs to be staffed resourced for all these things. Currently, it’s not.

DHS also needs the trust of the American people to succeed. DHS needs to factor into its decisions how its actions affect the trust the American people have in DHS. We need as a country to recognize that DHS, like our uniformed military and intelligence community, needs to be non-partisan. This point is one on which my colleagues and I strongly agree.

II. Modernize DHS’s Approach to Public-Private Partnerships

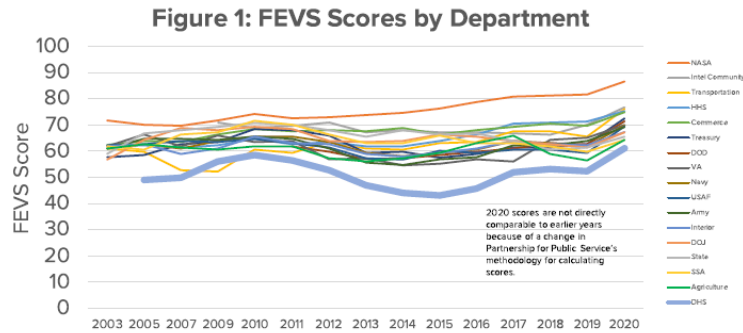
The Future of DHS report also urged DHS to modernize its approach to public-private partnerships. DHS’s role is unique among Federal Cabinet departments in how it works with other Federal agencies, with State, local, Tribal, and territorial governments, with the private sector, and with the American people. Other Federal departments do some of these things—DHS does all of them.

As one example, for telecommunications and financial companies to defend their networks against today’s cyber threats will require a closer partnership with DHS than ever before. Network operators need higher-fidelity, often Classified intelligence to take action, and increasing the speed of sharing is now vital, because cyber attacks take place at network speeds, and the Federal Government needs to be able to communicate relevant information, including attribution, in real time. Adversaries from overseas—whether nation-states or cyber criminals—will exploit any delays in defending computer and financial networks. This will require a closer and more sophisticated partnership in defense of our computer and financial networks.

The partnership that DHS has with State and local governments is also going to be vital in defending American lives and infrastructure from climate change and extreme weather. Other Cabinet departments are involved in tackling ways to halt the rise in global temperature. However, a vital part of our National defense against these changes has to be action by DHS through FEMA and the CISA infrastructure protection experts working with State and local governments and the private sector to find ways to protect lives and infrastructure from climate change and extreme weather. Our report offered a number of specific recommendations how to do this. DHS needs to be one of the departments at the center of our Nation’s efforts to address climate change.

III. DHS’s Morale Can Be Significantly Improved

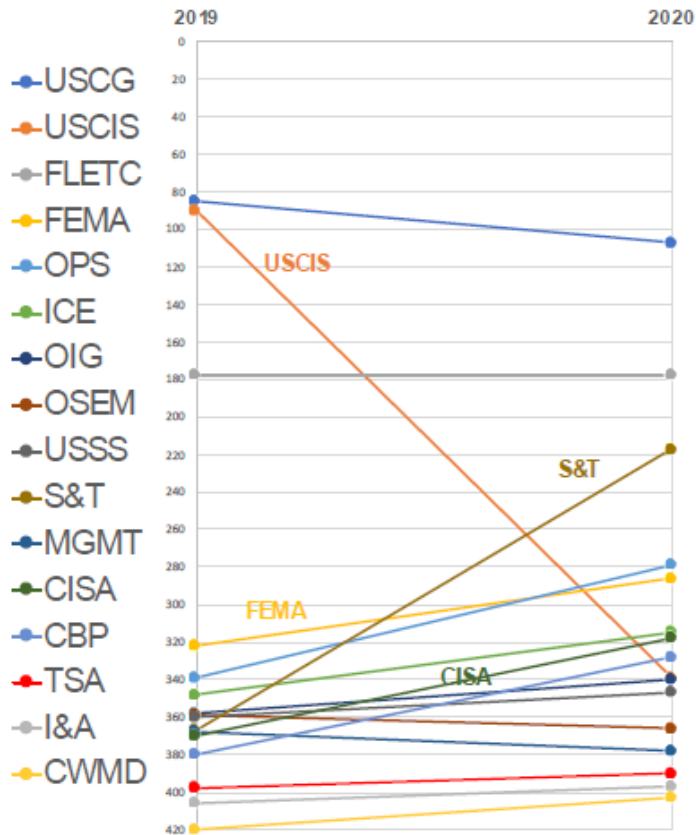
DHS also has more than its share of management challenges. Foremost among these is low morale. DHS has been last among large Cabinet departments since 2010, according to the Federal Employee Viewpoint Survey (FEVS) as analyzed by the Partnership for Public Service’s Best Places to Work in the Federal Government (hereafter, “Partnership”). I will now present several updates the results we released last year that incorporates new data released from the 2020 FEVS survey taken from September 14 to November 5, 2020. (As the Partnership made clear, for 2020, they changed the way they calculated scores, so much of what appears to be an across-the-board improvement in morale across the Federal Government is actually due to this change in the methodology.)



As Figure 1 above shows, DHS still ranks last in overall morale of large departments and agencies in the Federal Government. Our report released last September showed that improving morale at DHS is not a hopeless task—far from it. DHS has had numerous success stories improving morale at the component levels. We cited the data showing what Frank Taylor did at the Office of Intelligence & Analysis between 2014 and 2017, where his reorganization led to higher morale. Similarly, what Sarah Saldaña did at Immigrations and Customs Enforcement (ICE) between 2015 and 2017, and what Randolph “Tex” Alles and John Kelly did at the U.S. Secret Service between 2017 and 2019, all show that morale at DHS can be improved significantly, and over a span of 2 to 3 years.

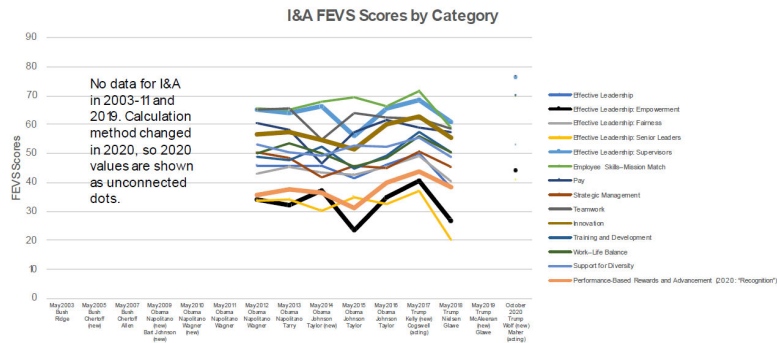
Unfortunately, in 2020, morale at one of DHS’s two long-time success stories—US Citizenship and Immigration Services (USCIS)—fell off a cliff. Morale at the U.S. Coast Guard and USCIS have long been among DHS’s success stories. But between May 2019 and September–October 2020, USCIS fell from 90th out of 420 sub-agencies across the Federal Government to 339th out of 411. The reasons for this deserve a hearing of their own.

Figure 2
Ranks of Subagencies
May 2019 vs. Sept.-Oct. 2020 Survey



Interestingly, DHS still had success stories in 2020. Three of the DHS components most involved in helping with the response to the COVID-19 pandemic and the 2020 election—the Science & Technology Directorate (S&T), the Federal Emergency Management Agency (FEMA), and the Cybersecurity and Infrastructure Security Agency (CISA)—all saw their morale improve because, I believe, of a combination of leadership and commitment to the importance of the mission.

Figure 3



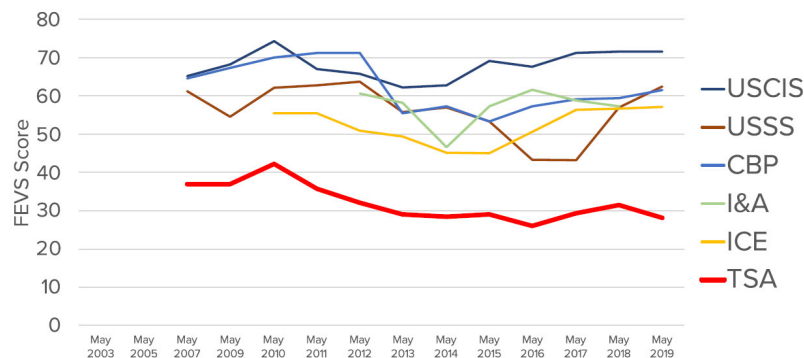
Another morale success story in late 2020 appears to have been the Office of Intelligence & Analysis (I&A), which saw a sharp drop in morale in May 2018, and opted out of the FEVS survey for 2019. I&A underwent a change in leadership on August 3, 2020, and 2 months later, survey data suggested that morale had increased back to the levels that Frank Taylor left it in 2017. Some of this may be due to the change in Partnership's calculation methodology, but the improvement over 2018 appears to be real.

Morale, of course, does not tell the whole story. The FEVS survey concluded on November 5, just before the results of the 2020 Presidential election were known. We at the Atlantic Council have been closely following the intelligence failures that led to the January 6 attack on the U.S. Capitol. My colleague Mitch Silber has documented the intelligence failures that allowed the January 6 attack to surprise the Capitol Police leadership and much of the country. I am sure that the new acting under secretary, John Cohen, will tackle both the substantive mission and morale of I&A together, because the two are related.

However, overall morale in DHS continues to be dominated by the Transportation Security Administration (TSA) and Customs and Border Protection (CBP), which make up about 60 percent of the DHS workforce. Both TSA and CBP have underlying factors that negatively affect morale, and both need to be addressed.

Our report recommended making significant improvements at TSA, especially to address the low pay of TSA's screening officers. In our report and before a subcommittee of this committee, I showed this slide, which makes it clear that low pay at TSA urgently needs to be addressed:

Figure 7: FEVS scores by Component: Pay



This committee held a hearing on May 4 on H.R. 903, the Rights for the TSA Workforce Act. On June 3, Secretary of Homeland Security Alejandro Mayorkas an-

nounced that TSA would expand collective bargaining, adopt better workplace standards and practices, and increase pay for TSA's screening workforce. Secretary Mayorkas, TSA Administrator David Pekoske, and everyone involved in this important decision deserve the recognition for making this important change. Knowing Secretary Mayorkas and Administrator Pekoske, I am confident we are seeing the first steps to turning around employee morale at TSA and DHS. It will be important to work to ensure that DHS gets the necessary funding and support to fully implement the plans that Secretary Mayorkas has directed TSA to prepare.

IV. Address DHS's Management Challenges

Let me turn briefly to the other management recommendations in our report. While discussions of DHS's missions tend to get the most attention, DHS needs to make significant changes to how it manages itself if it wants to succeed at those missions. These changes need more attention from the Congress and the American people.

First, DHS headquarters needs to be strengthened. This is a point on which all the studies of DHS agree. Right now, component personnel think headquarters does not understand component operational practicalities. Headquarters personnel think components do not see the big picture or appreciate that external factors sometimes require changes in what components do, and sometimes how they do them. In fact, there is truth in both viewpoints.

DHS needs to better coordinate policy and resources. The incoming Under Secretary for Strategy, Policy, and Plans Rob Silvers understands this. There also need to be major changes in how DHS budgets for tomorrow's threats.

DHS headquarters needs the right kind of oversight over the law enforcement missions of the Department. The Atlantic Council developed the recommendation of an associate secretary, based on the associate attorney general who oversees significant parts of the Department of Justice. I am very pleased to see this recommendation included in the DHS Reform Act of 2021. Headquarters should not be in the business of micromanaging DHS's law enforcement components. But neither should headquarters be in the dark. One of the FBI's great strengths is the ability to shift priorities—as they did after 9/11, or after Russian, Chinese, and Iranian operatives started to interfere with American democracy in the 2016 election. There are times when the Nation needs DHS's law enforcement agencies to be able to change direction to address new challenges. An associate secretary should be able to lead these efforts.

In addition, DHS needs to more substantively integrate civil rights, civil liberties, and privacy protections into all that it does, but especially into its law enforcement missions. This is a point on which all 3 of the major studies of DHS agree. The idea that DHS would deploy to Portland, Oregon, elite forces designed to operate in rugged terrain against heavily armed drug dealers and terrorists—against the wishes of the Governor and mayor involved—violates the principles of trust that are essential for DHS to succeed. The provisions of the DHS Reform Act of 2021 should help here.

DHS also needs to learn from the experience of the Department of Defense, embodied in the 1986 Goldwater-Nichols Act, and allow more rotational details of personnel between headquarters and components. I'm pleased to see the DHS Reform Act of 2021 include a number of provisions that will allow these kinds of personnel details to take place.

These provisions don't get the headlines, but they are invaluable to building a Department of Homeland Security that deserves the trust of the American people, and is able to defend the Nation from non-military threats.

V. Strengthen and Consolidate Congressional Oversight of DHS

Finally, I want to note the importance of strengthening the Congressional oversight of DHS. Ideally, DHS should have a single major authorizing committee, just as the Department of Defense does. Consolidating Congressional oversight over DHS is the last remaining, unfulfilled recommendation of the 9/11 Commission. Your efforts, Mr. Chairman, and the efforts of others on this committee, have achieved much progress for this idea in the past year. These efforts need to continue, and I look forward to working with you and the other Members of the committee to strengthen the Department of Homeland Security and make it better able to protect the Nation from non-military threats.

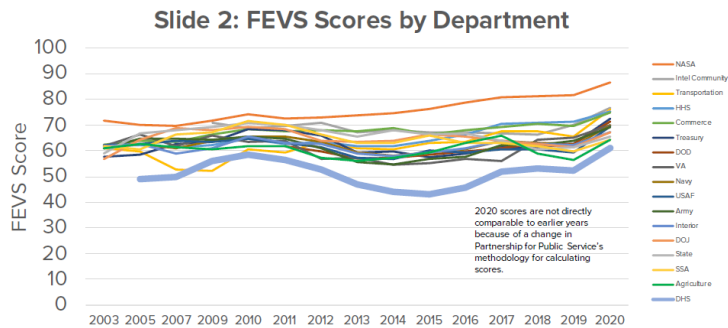
I would be happy to answer any questions the committee may have.

Departmental Scores and Rankings from the 2020 “Best Places to Work in the Federal Government”

June 29, 2021

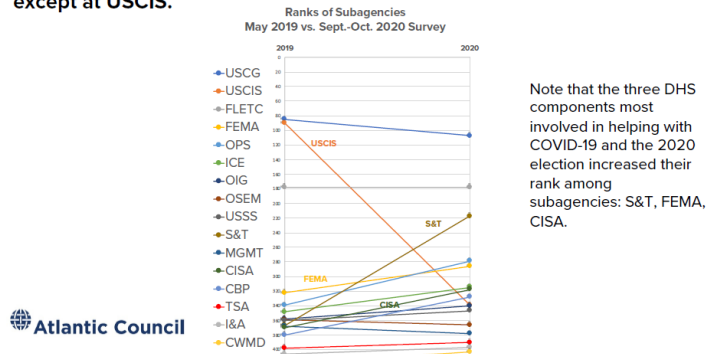


1



2

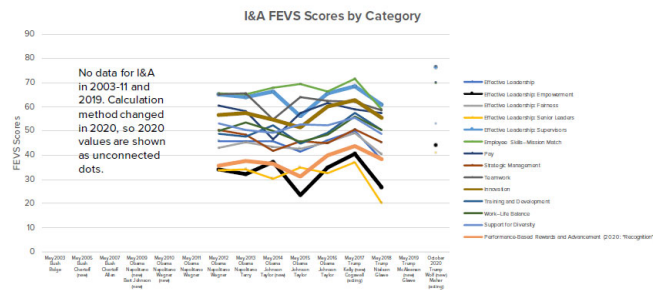
Slide 3: Among large DHS components, there was relatively little movement in their rankings between May 2019 and September 2020—except at USCIS.



3

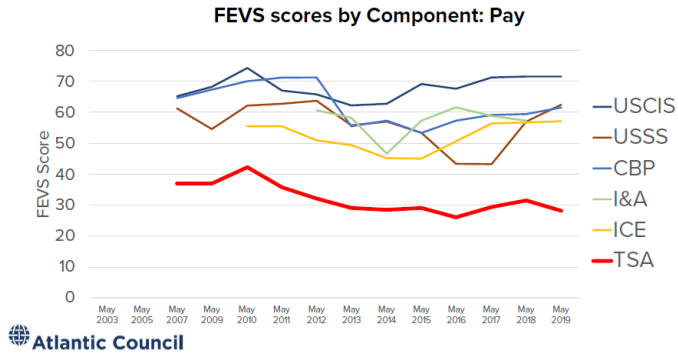
... and I&A's results improved after a leadership change on August 3, 2020.

Slide 4



4

Slide 5 (This chart is from the September 2020 report...



5

Slide 6 ... this hearing was held in May 2021 ...

Home | About | Activities | News | Issues | | [Subscriptions](#) | [Contact](#) | [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Search](#)

TODAY @ 2PM: HEARING ON H.R. 903, LEGISLATION TO IMPROVE THE TSA FRONTLINE WORKFORCE

DESCRIPTION: Today at 2pm, the Subcommittee on Transportation & Maritime Security, chaired by Rep. Bonnie Watson Coleman (D-NJ), will hold a virtual hearing on H.R. 903, the Rights for the TSA Workforce Act.

The purpose of the hearing is to gather additional support for H.R. 903 and to increase awareness of the challenges facing the Transportation Security Administration (TSA) frontline workforce, which is undersupplied compared to most other Federal workforces, lacks basic civil service rights and protections, and is subjected to high turnover and low morale. As Transportation Security Officers (TSOs) continue to serve on our frontlines to protect the traveling public amidst the pandemic, continuing to deny them the same rights afforded to most Federal workers under TSA's existing national emergency is unacceptable. Unfortunately, over 7,000 TSA employees or contractors have tested positive for COVID-19 in one and a half months, at least 16 have died.

H.R. 903, bipartisan legislation introduced by Committee Chairman Bonnie G. Thompson, would provide the TSA workforce the same rights afforded to most Federal workers under TSA's full Title 5 of the U.S. Code. It will also address TSA's attrition problems and further professionalize the workforce. The bill currently has over 160 cosponsors, including 19 Republicans. The House has passed the measure in the previous Congress.

This virtual hearing will be streamed live on YouTube and on our website.

Event Details:

WHEE: Subcommittee Hearing: Twenty Years of Workforce Challenges: The Need for H.R. 903, the Rights for the TSA Workforce Act of 2021

WHEN: Tuesday, May 4 @ 2:00pm EDT

WITNESSES:

- Dr. Russell Kelly, National President, American Federation of Government Employees
- Ms. Jo Chang, Senior Vice President for Policy & Advocacy and Executive Director of the Washington Bureau, National Urban League
- Mr. Tom Warrick, Nonresident Senior Fellow and Director of the Future of DHS Project, Atlantic Council
- Ms. Jeffrey Lee, Principal and Founder, Chief HRG, LLC (privacy withheld)

Atlantic Council

6

Slide 7 ... and on June 3 DHS announced new TSA's work practices and promised an increase in TSA screeners' pay.

DHS Announces New Efforts to Support the TSA Workforce



Release Date: June 3, 2021

WASHINGTON - Secretary of Homeland Security Alejandro N. Mayorkas today announced new efforts to support the Transportation Security Administration (TSA) screening officer workforce, including expanding collective bargaining at the national level and ensuring that TSA's standards and processes adhere to the principles applied by the Merit Systems Protection Board. Secretary Mayorkas also expressed the Department's commitment to improving pay for the TSA workforce.

"TSA employees are outstanding public servants who work on the frontlines, including throughout the pandemic, to keep the traveling American public safe," said Secretary Mayorkas. "They deserve the empowerment of collective bargaining and a compensation structure that recognizes and rewards them for their contributions to our safety and security."

Secretary Mayorkas ordered these administrative actions to build upon the meaningful improvements made by TSA leadership to support the Transportation Security Officer (TSO) workforce. TSA will expand the collective bargaining rights of TSOs consistent with the policy expressed in President Biden's Executive Order 14025, *Worker Organizing and Empowerment*. The expanded scope of bargaining will be similar to bargaining that occurs at other federal agencies while preserving TSA's ability to meet its critical security mission. After implementing these changes, TSA will work with the American Federation of Government Employees, which represents TSA's non-supervisory TSO workforce, to reach a new collective bargaining agreement.

Today's announcement also recognized that appropriately compensating TSA employees, including TSOs and Coordination Center Officers, is required to improve the morale and retention of these essential employees. Secretary Mayorkas directed TSA to prepare a plan that is consistent with providing fair compensation.

Today's announcement is an important first step to more closely align the TSA screening personnel system to that of other Federal agencies. TSA will also continue to evaluate personnel policies, including appeal procedures, for potential changes to better support the workforce.

Topics: Secretary of Homeland Security

Keywords: Secretary Alejandro Mayorkas, Transportation Security Administration (TSA)

Last Published Date: June 3, 2021



7

Chairman THOMPSON. Thank you very much.
The Chair recognizes Ms. Mulligan to summarize her statement for 5 minutes.

STATEMENT OF KATRINA MULLIGAN, ACTING VICE PRESIDENT, NATIONAL SECURITY AND INTERNATIONAL POLICY, CENTER FOR AMERICAN PROGRESS

Ms. MULLIGAN. Thank you.

Chairman Thompson, Ranking Member Katko, and distinguished Members of the House Committee on Homeland Security, I too appreciate the opportunity to testify before you today.

Over the past year I have led a study on DHS focused primarily on reexamining first order questions. What does America need from a Department of Homeland Security today and how has that changed in the last 20 years?

But rather than tell you about our conclusions, I'd like to take 3 quick minutes to show you. So you can start the video now.

[Video playing.]*

Ms. MULLIGAN. Thank you.

So before I close I want to emphasize two things. First, DHS has the potential to meet today's moment. Second, though the panel today reflects a diversity of viewpoints we agree on several areas for reform. I would encourage this committee to focus closely on areas where we are speaking in unison. To highlight just a few, we agree that DHS is critical to ensuring the security and prosperity of Americans and should be reformed rather than dismantled. We agree that DHS needs to take a broader view of what it means to keep the Nation secure. We agree that DHS should have a larger role in communicating with States, the private sector, and the public, and that DHS needs an elevated role for protecting the privacy and civil liberties of Americans. We agree that more oversight and restraint is needed for DHS's operational and law enforcement functions.

*The video is available at this link: <https://youtu.be/8T84J0ytiro>.

Thank you for the opportunity to testify today and I look forward to hearing your questions.

[The prepared statement of Ms. Mulligan follows:]

PREPARED STATEMENT OF KATRINA MULLIGAN

JULY 15, 2021

Chairman Thompson, Ranking Member Katko, and distinguished Members of the House Committee on Homeland Security, thank you for the opportunity to testify before you today. I commend this committee for seeking to address long-standing challenges facing the Department of Homeland Security (DHS). I also want to thank my fellow panelists for their scholarship on DHS reform, which I turn to often to inform my own thinking.

I offer three general observations:

1. DHS has become seriously out of balance with America's needs.
2. A reimagined DHS should recalibrate its priorities, moving toward a "safety and services" approach.
3. Though the panel today reflects a diversity of viewpoints, we agree on several areas for reform that this committee is well-positioned to undertake.

First, DHS has become seriously out of balance with America's needs. Established in late 2002, the Department of Homeland Security was largely defined by the 9/11 terrorist attacks, and the response to those tragic events continues to shape the priorities and mission of the Department today. Since its founding, there has been persistent confusion about DHS's role as well as complaints about its structure, operations, and oversight. Observers across the political spectrum have argued that, in the rush to stand up a new Department, disparate components of the Federal bureaucracy were shoehorned into DHS, with mixed results. As Members of this committee know, since its founding, DHS's budget has more than doubled in size, from roughly \$30 billion in fiscal year 2004 to more than \$64 billion in fiscal year 2018—not counting disaster relief funds, which vary depending on emergencies that happen each year.¹ Today, DHS is the largest Federal law enforcement agency in the Government, with more than 240,000 employees—more than twice the size of the U.S. Department of Justice (DOJ).²

DHS claims a role in most National security issues—and a number of issues that fall outside of National security—but there are few areas where DHS leads the Government's response and even fewer where it does so well and without controversy. The Department's founding mission to prevent another 9/11-style attack continues to influence its outsize focus on counterterrorism—despite the fact that DHS's ability to prevent terrorism is limited, and entities such as the FBI and National Counterterrorism Center (NCTC) are often in the lead statutorily. The dominating focus on counterterrorism comes at the expense of other activities that DHS is uniquely positioned to execute among Federal agencies such as providing efficient, safe, and respectful immigration services; facilitating international trade and travel; serving as the Nation's risk adviser for critical infrastructure; and proactively responding to disasters that do not fall within the missions of other parts of the Federal bureaucracy.

To remedy this imbalance, DHS should take a broader view of what it means to keep the Nation "secure" and adapt its mission, priorities, and activities accordingly. In doing so, DHS should address the following unmet needs, which largely fall between the gaps in today's Federal bureaucracy.

A leading Federal emergency response system. The United States needs a proactive emergency preparedness and resilience capacity and a flexible and capable response system that can respond to a wide range of emergencies quickly and efficiently. DHS should serve as the lead coordinator of U.S. Government emergency preparedness and response efforts on the wide range of emergencies that affect the country.

¹ Congressional Research Service, "Trends in the Timing and Size of DHS Appropriations: In Brief" (Washington: 2019), available at <https://fas.org/sgp/crs/homsec/R44604.pdf>; U.S. Department of Homeland Security, "FY 2021 Budget in Brief" (Washington: 2021), available at https://www.dhs.gov/sites/default/files/publications/fy_2021_dhs_bib_0.pdf.

² U.S. Department of Homeland Security, "About DHS," available at <https://www.dhs.gov/about-dhs>; Bureau of Human Resources, "Facts about Our Most Valuable Asset—Our People" (Washington: U.S. Department of State, 2019), available at https://www.state.gov/wp-content/uploads/2019/05/HR_Factsheet0319.pdf; U.S. Equal Employment Opportunity Commission, "Department of Justice (DOJ)," available at <https://www.eeoc.gov/federal-sector/departments-justice-doj-0>.

A better way of communicating threat information to and from the public and private sectors. In a world where the public and private sectors must take independent action to ensure America's safety and security, the Government needs a trusted, effective mechanism to communicate threat information with the public and private sectors and between different levels of State, local, and Federal Government officials. DHS already plays an important role but should be designated the Federal Government's lead for sharing information, advocating for greater Government transparency, and for developing new communications capacities that add value to the American people.

A fair, workable, and humane approach to border management. Factors such as devastating hurricanes and droughts due to climate change, political unrest, and gang violence, especially in Central American countries, have translated to a high number of migrants, including large numbers of families and unaccompanied children, seeking asylum in the United States. DHS should shift toward a more service-driven approach that treats immigration as an asset to be managed rather than a crime to be enforced.

A truly integrated cyber and critical infrastructure capacity. Cyber attacks on critical infrastructure are increasingly common and could grind the U.S. economy and daily life to a halt. There is a clear need to build on the success of DHS's Cyber and Infrastructure Security Agency (CISA) by expanding the indicators and mechanisms for sharing cyber threat information and more proactively sharing cyber threat intelligence between businesses and Government agencies.

An effective response to domestic violent extremism. Threats from domestic violent extremism are rapidly growing in the United States and endanger our way of life, our values, and our democracy. While law enforcement responses to domestic violent extremism primarily fall within the FBI's authority, DHS should be charged with taking the lead in countering disinformation, coordinating Federal grant-making programs to promote resilience, and providing support for risk-based prevention responses.

core mission focused on protecting civil liberties and privacy. DHS regularly interacts with—and collects information on—Americans and U.S. persons in the routine course of its duties. DHS has a responsibility to safeguard the information it acquires but it could also play an important role in safeguarding the security of personal or private information from malicious cyber actors and foreign governments. Establishing the protection of civil liberties and privacy as a core DHS mission would fill a critical gap in Executive branch roles that is not currently being comprehensively addressed by other departments and agencies.

DHS has the potential to meet today's moment. There is no other department with DHS's range of flexible authorities and unique capacity to respond to these issues and others that fall between the gaps of responsibilities of other Federal departments and agencies. There is no other department better suited to coordinate effective Federal emergency response; communicate threat information between the public and private sectors; provide a working, humane approach to border management; facilitate an integrated cybersecurity and infrastructure capacity; and implement effective approaches to counter the threats from domestic extremism fueled by white supremacy and the rise of anti-Government militias. And there is no other department with the mandate and track record of playing a bridging role between State, local, Tribal, and territorial officials and the Federal Government. This committee can ensure DHS is oriented to fill these critical gaps through its oversight functions.

Second, as my colleagues and I have called for in a recent study by the Center for American Progress (CAP),³ a reimagined DHS should recalibrate its priorities, moving away from a threat-oriented model and toward a "safety and services" approach. While the Department must continue its efforts to protect, secure, prevent, and enforce, these activities should be brought into balance with DHS's other missions. DHS should organize—and articulate its mission—around 5 new core values:

- *Connecting.*—DHS should prioritize service and partnerships and invest in efforts to connect State, local, Tribal, and territorial officials with Federal resources and officials.

³Mara Rudman, Rudy deLeon, Joel Martinez, Elisa Massimino, Silva Mathema, Katrina Mulligan, Alexandra Schmitt, and Philip E. Wolgin, "Redefining Homeland Security: A New Framework for DHS To Meet Today's Challenges," (Washington: Center for American Progress, 2021), available at <https://www.americanprogress.org/issues/security/reports/2021/06/16/500642/redefining-homeland-security-new-framework-dhs-meet-todays-challenges/>.

- *Communicating*.—DHS should manage information sharing and public disclosures of intelligence between Federal entities and their local counterparts through a leading role that would be a valuable public service.
 - *Facilitating*.—DHS should continue to facilitate lawful international trade and travel, ensure that U.S. transportation services are safe, and maintain U.S. waterways and maritime resources.
 - *Welcoming*.—DHS should provide efficient and respectful service to aspiring citizens and other immigrants and emphasize its unique role in welcoming the people who immigrate to, visit, or seek refuge in the United States.
 - *Helping*.—DHS should expand its existing capacity on disaster relief and emergency management and invest in new, flexible headquarters and regional capabilities that can address a wide range of emergencies and situations.
- DHS should dial down its strategic focus in the following areas, bringing them into balance with its other priorities:
- *Protecting*.—DHS should coordinate cybersecurity and critical infrastructure to bridge the gap between public and privately-owned infrastructure and ensure that Federal protection efforts can effectively extend to all sectors across the country.
 - *Securing*.—DHS should maintain its core objective of securely, efficiently, and humanely managing our air, land, and maritime borders.
 - *Preventing*.—DHS should focus on the increasing prevalence of domestic challenges and borderless threats while maintaining its important role in preventing attacks against the United States at home and abroad.
 - *Enforcing*.—DHS should conduct a recalibration of its enforcement activities within broader department goals of safety and service and move law enforcement activities that are not aligned to this mission to other areas of the Federal Government that are better suited to these functions.

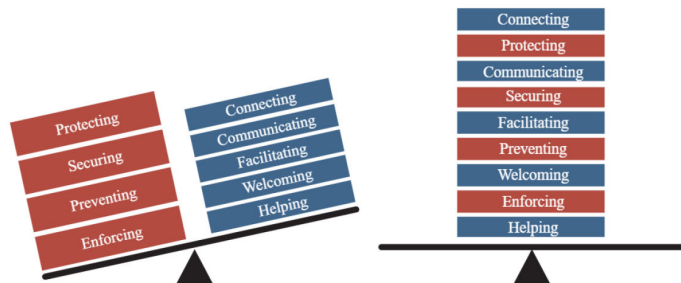


Fig. 1: DHS should move away from a threat-oriented model which is principally concerned with protecting, securing, preventing, and enforcing, and toward a “safety and services” model that brings those activities into balance with 5 new core values: Connecting, communicating, facilitating, welcoming, and helping.

Third, though the panel today reflects a diversity of viewpoints, we agree on several areas for reform. We represent 3 distinguished institutions and bring different perspectives to our analysis of DHS reform. We offer divergent visions for what the future of DHS could look like. It is therefore significant and worthy of the committee’s attention that despite these differences we agree on several areas for reform.

- We agree that DHS is critical to ensuring the security and prosperity of Americans and should be reformed rather than dismantled.
- We agree that DHS needs to be more focused on today’s most serious threats, including pandemics, critical infrastructure, the effects of climate change, cybersecurity, and foreign interference.
- We agree that DHS should have a lead role in communicating with State, local, Tribal, and territorial governments and with the private sector.
- We agree that DHS needs an elevated role for privacy, civil rights, and civil liberties and we support this committee’s efforts to strengthen civil rights and civil liberties protections in DHS policies, programs, and activities.
- We agree that DHS has a unique responsibility to foster trust among the American people and those who seek safety or opportunity here.
- Though our policy solutions differ, we agree that more oversight—and restraint—is needed for DHS’s operational and law enforcement functions.

- Though we differ on the details, we agree that DHS headquarters needs to be strengthened—and increase in size—if it is to effectively oversee the Department's activities.
- Finally, we strongly agree that Congress should improve oversight over DHS activities, ideally through concentrating oversight responsibilities with the designated homeland security committees, to the extent possible.

CONCLUSION

DHS has the potential to meet today's moment, and is uniquely positioned among other Federal agencies to address unmet needs and pressing challenges the United States faces right now and in the years ahead. As then-nominee Alejandro Mayorkas argued in his confirmation hearing, DHS is and should be “fundamentally, a Department of partnerships.”⁴ He is right. Going forward, DHS should prioritize service and partnerships, connecting people in the United States to Federal services that reflect American values and are essential to America's shared prosperity. The Department's threat-oriented roles will, of course, remain, but this new framework will help DHS realign its focus and priorities on those areas where it can be maximally effective and provide value to the American people and those who live, study, work, travel, and seek safety here.

Thank you for the opportunity to testify before this committee and I look forward to your questions.

Chairman THOMPSON. Thank you very much.

I now ask Mr. Cilluffo to summarize his statement for 5 minutes.

STATEMENT OF FRANK J. CILLUFFO, DIRECTOR, MCCRARY INSTITUTE FOR CYBER AND CRITICAL INFRASTRUCTURE SECURITY, AUBURN UNIVERSITY

Mr. CILLUFFO [continuing]. Ranking Member Katko and distinguished committee Members. I too would like to thank you for the opportunity to testify before you today.

As my colleagues have said, the array of threats to this country has evolved substantially over time and therefore so too must our National architecture for countering these threats. I commend the committee for your proactive approach to tackle some of these important reforms.

Allow me to begin with a little bit of history and context. Unfortunately, nothing as fancy as my colleagues before me with the cool videos and the like, but DHS was established, I think as we have all now made clear, directly in response to the horrific terrorist attacks of 9/11. We went through at that time the largest reorganization of the Federal Government since the National Security Act of 1947 and preventing, preparing for, and responding to terrorism was the driving force behind the Department.

At the same time, however, DHS had and continues to have a wide set of important missions. The most prevalent and most pressing threat today is cyber. The system is blinking red and this is the area where we must work the hardest and double down our efforts, not at the expense of other missions and threats, but in addition to them.

Consider the events of the past 6 months alone in which we have seen a rash of incidents from SolarWinds and the Microsoft exchange hacks targeting the IT supply chain, to the Kaseya ransomware incident only a few days ago, and a spate of other significant ransomware attacks that preceded it, including U.S. pipe-

⁴ CNN, “Excerpts from Biden's DHS pick Alejandro Mayorkas' opening statement,” January 19, 2021, available at <https://www.cnn.com/2021/01/19/politics/mayorkas-opening-statement-excerpts/index.html>.

lines and the food supply. Ransomware attacks are hitting epidemic proportions, targeting entities from schools to businesses. No one and nothing is off limits.

I was pleased to see this morning the Government's new ransomware campaign, since it is really important for the Government to speak with one voice and bring everything together. DHS must be well-structured and well-funded to meet the cyber mission. Continuity of leadership is a vital first step. Meaningful maturation of the Department requires the post in these senior echelons be filled. I think Jen Easterly's confirmation earlier this week was an important first step. Next we ought to consider codifying the CISA director to a 5-year term, elevating the role to ensure continuity across the organization.

Fortunately, Congress and DHS have undertaken some significant actions in response to the increase in cyber attacks. Codifying the Cyber State of Distress and the Cyber Response and Recovery Fund will ensure adequate preparation and funding the ability to surge critical resources and coordinate asset response.

DHS must continue to support their principal partners, State, local, Tribal, territorial governments, and the private sector. With cyber, as with the broader homeland security enterprise, we can't forget it is ultimately about finding meaningful ways to enhance and enable those on the front lines. Reaching this far requires people, a skilled and deep bench to meet the mission, building and sustaining a cyber work force so that caliber and size needed by the Department and beyond is truly an urgent priority.

The most effective way to get there is to proceed in a multi-pronged approach, including in career training, recruitment, retention efforts, plus K-12 and post-secondary initiatives. A special emphasis in my eyes ought to be accorded to upscaling veterans and recruiting a more diverse cybersecurity work force.

To fulfill its potential as an inter-agency partner, CISA must mature and be strengthened. To this end, the agency's National Risk Management Center should be codified. I am happy to get into some of that during Q&A.

Moreover, our current approach to .gov security is too scatter-shot. CISA can and should play a more central role here. The 2021 National Defense Authorization Act empowered CISA to hunt for cyber threats on U.S. Government networks. This is a good start, but more robust defense requires substantially more visibility than presently exists.

Perhaps the area where we can have the greatest impact in the near term is to finally translate the nouns into the verbs when we talk about public-private partnerships. This is atop the list of priorities for us on the Cyber Solarium Commission this year, and I see Congressman Langevin has joined, so a real driver with us on the Commission. I think the newly-created Joint Cyber Planning Office, the JCPO, within CISA is a positive development and should be stood up ASAP and serve as the center of gravity for public-private coordination of defensive cyber-based activities, priorities set by the new National cyber director.

The Commission has also recommended that a joint collaborative environment, with CISA at its center, be established by law for the purpose of sharing cyber threat data among Federal entities and

between the U.S. Government and private sector. Both National and economic security urgently demand greater visibility across the entirety of our supply chains. I am happy to get into that at greater length during Q&A as well.

Just, finally, SICI. So the Commission proposed that the most critical of our critical infrastructure, meaning systemically important critical infrastructure, be subject to enumerated benefits and burdens. The idea here is to impose cyber incident reporting requirements at SICI companies in return for some liability protection and direct intelligence support from the U.S. intelligence community.

Happy to see a rash of good activity on the Hill and bills around data breach notification and incident reporting. I'd like to commend Ranking Member Katko for his five pillars. I think this will get us a long way to where we need to be.

In closing, the Department must be calibrated to adapt to the cyber imperative, which will continue to evolve. CISA needs to be provided with the requisite authorities, accountability, and resources to get the job done, especially in relation to our most critical infrastructure.

Mr. Chairman, it is always a privilege to speak to this committee and I look forward to any questions and trying to answer them. So, thank you.

[The prepared statement of Mr. Cilluffo follows:]

PREPARED STATEMENT OF FRANK J. CILLUFFO

JULY 15, 2021

INTRODUCTION

Chairman Thompson, Ranking Member Katko, and distinguished committee Members, thank you for the opportunity to testify before you today. The array of threats to this country has evolved substantially over time and therefore so too must our National architecture for countering these threats. Your proactive approach to taking on this challenge by examining the Department of Homeland Security (DHS) in particular, is commendable and I hope to help you move the ball forward in this statement and in my verbal remarks at this hearing.

EVOLUTION OF THE DEPARTMENT'S THREAT LANDSCAPE

Allow me to begin with a bit of history and context. DHS was established in 2002 in direct response to the horrific attacks of 9/11. At the time, the principal threat to the country was from terrorists, specifically al-Qaeda and like-minded (self-styled) "jihadists". Counterterrorism was thus the animating purpose of the Department. At the same time however, DHS had, and continues to have, a wide set of missions including transportation security, border security, emergency management and response to man-made and National disasters, protecting U.S. economic security, and strengthening preparedness and resilience—to name a few.

Today, all these missions and threats persist; and DHS continues to be instrumental in preparing for and responding to them. Having said that, the most prevalent and most pressing threat now is cyber. The ecosystem has evolved such that in 2021, cyber is the system's blinking red light, the most imminent threat facing the country. Accordingly, cyber is the area where we must now double down and work the hardest to enhance our capabilities—not at the expense of other missions and threats, but in addition to them.

The case for focusing on the cyber mission and ensuring that DHS is both well-structured and well-funded to meet it, is so strong that it practically makes itself. Consider the events of just the past 6 months, in which we have seen a rash of incidents from the SolarWinds and Microsoft Exchange hacks targeting the IT supply chain, to the Kaseya ransomware incident (only days ago) and a spate of other significant ransomware attacks that preceded it—many directed against critical National infrastructure and functions, including U.S. pipelines and the food supply.

While not necessarily the most significant cyber threat, ransomware is perhaps the most prevalent. It is hitting epidemic proportions, targeting entities from schools to businesses; no one and nothing is off-limits.

The breadth of entities affected by cyber incidents has been striking, as has the severity of the actual consequences, which continue to be uncovered week by week. Perhaps most disturbingly, these incidents have targeted and undermined the very trust upon which the entire system is founded. For all these reasons, current circumstances demand that DHS be postured robustly to reflect and respond to the reality that the cyber threat is nothing short of front and central today.

MATURING THE DEPARTMENT TO MEET TODAY'S THREATS

Leadership.—In concrete terms, this means starting at the top, literally. Meaningful maturation of the Department requires the posts in its senior echelons (cyber and Department-wide) to be filled, and to be occupied in a manner that supports the principle of continuity of leadership. This crucial measure is in Chairman Thompson's recently reintroduced DHS Reform Bill.¹ In particular, the director of the Cybersecurity and Infrastructure Security Agency (CISA) should be emphasized requisite with its importance. As the Cyberspace Solarium Commission (on which I serve as a commissioner) recommended, codifying a 5-year term for the director of the agency and elevating the role would ensure continuity across the organization and attract the best the Nation has to offer.

To be clear, many of those who took on key roles in an acting capacity performed a true public service for the Nation at a critical juncture in time. But to rely on these individuals over-much and over-long is not fair, either to them or to DHS.

Congress and this committee.—Congress and this committee also have an important role to play in moving the Department forward. Specifically, there is a deep need for this body to reauthorize DHS and be afforded the requisite authorities to oversee the Department. Fulsome oversight is of course a crucial Congressional responsibility; but it is not an either/or proposition, meaning that Congress must authorize DHS in addition to oversee it. Unless we press ahead on both fronts, the Department will not be able to reform itself to properly meet today's threats.

Partners.—Though DHS is our focal point, we must look outward as well as inward to understand and appreciate all that needs doing to propel us from where we are, to where we need to be. To achieve our cyber aims and ends, DHS must be able to support its full panoply of principal partners: State, local, Tribal, and Territorial (SLTT) governments, and the private sector. This means two-way flow of information, shared timely and in a manner that facilitates action (i.e., next steps) on both sides. With cyber as with the broader homeland security enterprise, we need to find ways to enhance and enable the front lines.

Workforce.—Reaching this bar requires more than technology. It also requires people—a skilled and sufficiently deep bench to meet the mission. Building and sustaining a cyber work force of the caliber and size needed by the Department (and beyond) is a truly urgent priority. The most effective way to get there is to proceed in a multi-track way that encompasses both shorter- and longer-term measures, including in-career training, recruitment, and retention efforts, plus K through 12 and post-secondary initiatives. Special emphasis should be accorded to upskilling veterans and recruiting a more diverse workforce.

Interagency.—Precisely because the cyber threat is so pervasive and complex, tackling it requires a whole-of-Nation approach. In turn, providing the private sector and other levels of government with the support they need from Federal entities must be a team effort. In this regard, DHS and specifically CISA² should work hand-in-glove with NSA's Cybersecurity Division and FBI as a triad, that is powered by the unique capabilities and authorities that each element brings to bear. Together with the National Cyber Director (NCD), a new position, synergy and strategy should take on new salience, as everyone will finally be working off the same sheet of music.

Response.—There have been a number of great developments and actions taken by Congress as of late to respond to the increase of cyber attacks, including codifying the Cyber State of Distress and the Cyber Response and Recovery Fund. In the event of a significant cyber incident, the Government needs a mechanism to surge critical resources to facilitate response, mitigation, and recovery. The Solar-

¹"Department of Homeland Security Reform Act of 2021" <https://homeland.house.gov/imo/media/doc/DHS%20Reform%20Act%20of%202021.pdf> recruitment and retention efforts, plus K through 12 and postsecondary initiatives. Special emphasis should be accorded to upskilling veterans and recruiting a more diverse workforce.

²CISA was established by the Cybersecurity and Infrastructure Security Agency Act of 2018, sponsored by Representative Michael McCaul.

ium Commission therefore recommended the ability for the President or designated Federal official to declare a cyber state of distress. Such declaration would strengthen the Secretary of Homeland Security's ability to ensure adequate preparation and coordinate asset response.

Coupled with the declaration authority, it is vital for the Government to have available recovery funds. The cyber response and recovery fund, another Solarium Commission recommendation, will be used to augment U.S. Government response teams and their ability to assist SLTT governments and the private sector in responding to and recovering from an attack. In addition, the recommendations in Ranking Member Katko's Five Pillar Plan will add to the success.³

National Risk Management.—To fulfill its potential as an interagency partner and beyond, CISA must mature and be strengthened. To this end, the Agency's National Risk Management Center (NRMC) should be codified. Elevating the NRMC in this way would help underscore and advance the difficult and exceptionally important work that the Center does. One example, which deserves far more attention than it has received, is the NRMC effort to identify National critical functions.

The NRMC's work on National critical functions provides a strategic foundation for prioritizing critical infrastructure and related risk management measures, thereby delineating a targeted path to enhancing the country's resilience. That ability to bounce forward after an incident diminishes the returns that an adversary can expect to reap from an attack on U.S. entities or interests and serves as a disincentive to attack in the first place. The NRMC should therefore continue and amp up its efforts to build out our understanding of National critical functions, to better position the United States to (simultaneously) remain resilient and deter foes.

A specific application of this recommendation relates to the intersection of two domains: Cyber and space. Increasingly, space is fundamental to continuity of a host of other critical National operations and functions, such as positioning, navigation, and timing (PNT). As cyber threats pose an ever-increasing risk to U.S. space assets, the NRMC should redouble its focus on expanding and deepening its understanding of National critical functions in this area.

However, the work of the NRMC and the Department on National cyber risk reduction cannot and should not stop with identification. The Department should be vested with a consistent, multi-year fund to enable it to drive strategic investment aimed at reducing and mitigating risk to critical infrastructure and enhancing the Nation's resiliency.

Planning.—Industry and Government must work together to plan and prepare for the cyber threats our Nation is facing. As recommended by the Solarium Commission, the newly-created Joint Cyber Planning Office (JCPO) within CISA should be stood up swiftly and serve as the center of gravity for public-private coordination of defensive cyber activities based on the priorities set by the National Cyber Director.⁴ Cross-sector collaboration is key to the success of JCPO and to creating comprehensive plans to respond to and recover from future incidents.

Preparation Grants.—Local government partners require improved defensive capabilities to protect themselves against emerging and ever more frequent cyber threats and attacks. The DHS Homeland Security Advisory Council (HSAC) SLTT Cybersecurity Subcommittee, which I co-chaired, recommended the creation of a dedicated grant program to improve local Government cybersecurity and create bulk purchasing vehicles for vital cyber necessities.⁵ The use of grants will enable SLTT partners to improve their preparation and capabilities substantially.

Deterrence.—While resilience supports deterrence, it does not eliminate the need for a broader U.S. strategy to deter our adversaries by imposing real costs and consequences upon them. For too long, China and Russia (for example, but they are not alone) have been allowed to engage in cyber behavior that has damaged U.S. National and economic security, without corresponding effects being visited upon the perpetrators.

Until we use all instruments of state-craft to influence the decision calculus of our adversaries, bad behavior will go unchanged. This means getting serious about even the more passive forms of hostile behavior, such as nation-states (like China and Russia) stymieing the long arm of the law by affording safe haven to cyber criminals

³"Ranking Member John Katko SolarWinds Campaign Response Five Pillar Plan" <https://republicans-homeland.house.gov/wp-content/uploads/2021/02/Katkos-5-Pillars.pdf>.

⁴"Gas pipeline hack reveals cyber vulnerabilities. But Biden infrastructure plan doesn't fix them." <https://www.nbcnews.com/think/opinion/gas-pipeline-hack-reveals-cyber-vulnerabilities-biden-infrastructure-plan-doesn-ncna1267021>.

⁵"Homeland Security Advisory Council Final Report of the State, Local, Tribal, and Territorial Cybersecurity Subcommittee" https://www.dhs.gov/sites/default/files/publications/2_sltt_final_report_0.pdf.

committing ransomware attacks that affect critical infrastructure in this country and others. It is surely no accident, for instance, that the enormous Kaseya ransomware/supply chain attack was powered by malware designed to avoid Russian-language systems.⁶

Unified Security.—Stepping up our offense must also be complemented by a more comprehensive and coherent defense. Our current approach to .gov security is too scattershot. CISA can and should occupy a more central role here. The fiscal year 2021 National Defense Authorization Act empowered CISA to hunt for cyber threats on U.S. Government networks. This is a good start; but more robust defense requires substantially more visibility than presently exists.

Amplified visibility, which feeds our understanding of threat and underlies both response and resilience, requires genuine partnerships within and outside Government. The imperative to turn the nouns about public-private partnership into verbs has never been clearer. Both National and economic security urgently demand greater visibility across the entirety of our supply chains, as underscored in a recent report of the HSAC Economic Security Subcommittee which I chaired.⁷ Yet, as things now stand, cyber incident reporting is not mandatory and barriers to information sharing persist. This situation gives rise to dangerous blind spots.

Information Sharing.—Against this concerning background, the Cyberspace Solarium Commission has recommended that a joint collaborative environment be established by law, for the purpose of sharing cyber threat data among Federal entities and between the U.S. Government and the private sector. The proposal further envisions CISA at its center, as manager of the programs supporting the JCE.

In addition, the Solarium Commission proposes that the most critical of the critical—meaning systemically important critical infrastructure (SICI)—be codified and subject to enumerated benefits and burdens, in service to the U.S. National interest. The idea is to impose a cyber incident reporting requirement on SICI companies in return for liability protection for such incidents and direct intelligence support from the U.S. intelligence community.

More consistency in incident reporting is needed. Without situational awareness, Government cannot properly support and defend the Nation. Earlier reporting will allow the Government to provide more tools and capabilities in this regard. Fortunately, Congress is now moving in this direction with multiple bills on data breach notification and incident reporting, including Ranking Member Katko's leadership to identify and secure SICI, with CISA playing a lead role in the designation process.

Industrial Control Systems.—The industrial control systems (ICS) that power critical infrastructure merit special consideration. Identifying and remedying vulnerabilities in ICS is crucial, in part because ICS represent the interface where information technology and operational technology intersect. Put differently, this is where cyber domain and the physical world coincide. In this context, a breach on the IT side can cause catastrophic effects in the real world.

The hybrid threat here demands that our ICS be shored up carefully. A bipartisan bill sponsored by Ranking Member Katko and co-sponsored by Chairman Thompson and other committee Members,⁸ H.R. 1883,⁹ intended to do just that. The proposed legislation would enhance U.S. capabilities in this area and entrench in law CISA taking point on that task, including by providing free tools and services to critical infrastructure stakeholders.

CONCLUSION

The threat landscape will continue to evolve as cyber domain brings new challenges and opportunities for America and its adversaries alike. Placing the country on a more solid footing to confront these pressing threats is a must, especially in relation to our most critical infrastructure. Today's hearing is a significant step in that direction.

⁶"Code in huge ransomware attack written to avoid computers that use Russian, says new report" <https://www.nbcnews.com/politics/national-security/code-huge-ransomware-attack-written-avoid-computers-use-russian-says-n1273222>.

⁷"Homeland Security Advisory Council Final Report: Economic Security Subcommittee" https://www.dhs.gov/sites/default/files/publications/final_economic_security_subcommittee_report_1.pdf.

⁸Rep. Cammack, Rep. Clarke, Rep. Garbarino, Rep. Gimenez, Rep. Langevin, and Rep. Pfluger.

⁹"DHS Industrial Control Systems Capabilities Enhancement Act of 2021" <https://www.congress.gov/bills/117th-congress/house-bill/1833/text?r=11&s=4>.

Moving ahead, the Department must be calibrated to adapt to this cyber imperative while also retaining and advancing the ability to counter the wide range of other threats and to fulfill the many missions for which DHS was established.

Thank you for the opportunity to testify before you today.¹⁰ I look forward to trying to answer any questions that you may have.

Chairman THOMPSON. Thank you very much.

I thank the witnesses for their testimony.

I will remind each Member that he or she will have 5 minutes to question the witnesses.

I will now recognize myself for such questions.

You know, one of the problems we have long-standing with DHS is the morale of the work force. All of you have done studies on it. Can you suggest to the committee anything you think we might do to get morale off the bottom? A lot of us are concerned about that. The missions are important, but if your work force is not where it needs to be in terms of morale, there are some challenges with it.

So, Ms. Cordero, we will start off with you, if you don't mind.

Ms. CORDERO. Sure. Thank you, Mr. Chairman.

So morale has been, as the committee knows, a persistent issue in the Department. I do think a couple of things. First, with respect to the mission, as you know, I recommended that Congress update the statutory mission of the Department. I think there are operational reasons to do that. I also think that there are morale reasons to do that. Right now 4 out of the 7 main section 101 Homeland Security Act core mission sets of the Department pertain to terrorism, and yet we know that that is out of sync with the day-to-day activities of what many of the work force engaged in. I do think that if the mission of the Department as it is laid out in law, as it is mandated by Congress, if employees could see their daily work reflected in that mission, that would be a helpful thing.

I also think that one of the issues with the Department, I think is all of us recognize is that the independent agencies within the Department operate very autonomously with less oversight structure and less common culture. There have been—in the roundtables that I have conducted of experts, there have been various former officials all who have said the different Secretaries tried to do a unity of culture and then with the next Secretary that effort sort of failed off. So it has never been able to grow throughout the course of the Department. I think a joint duty program would be useful in that respect so that we could have individuals as they are rising in their career rotate amongst the different components. They would get a better understanding of their colleagues, of the other mission sets of the Department. What we would do is we would start to create a core of future leaders who have a better appreciation for their colleagues, missions, operations, throughout the rest of the Department.

Chairman THOMPSON. Thank you very much.

Mr. Warrick.

Mr. WARRICK. Yes, Mr. Chairman.

We took a look at a number of the specific components that had the greatest morale problems and had in mind some of the suc-

¹⁰Thank you also to Sharon Cardash and Matthew Edwards for their skillful assistance in preparing this testimony.

cesses that other components have had, because there really are lessons that can be applied in places in the Department.

In the case of TSA, addressing the low pay and the work force issues where people perceived that promotions are handed out unfairly and that good work is not recognized and rewarded, is something that your committee and you and others have taken a direct interest in with the TSA Workforce Act. So pushing that through I think will be one of the most important steps that this committee could take to help.

Obviously I welcome Secretary Mayorkas' efforts. We just have to make sure he gets the resources he needs to implement that.

The problems at Customs and Border Protection, CBP, are going to be a bit more difficult. Chief Magnus, if confirmed by the Senate, is going to have to take a number of steps to deal with a legacy of an era in which CBP hired a great many people, but the perception is that not all of them are up to the level of professionalism that the Department really needs to have. Some of the things that Carrie Cordero has identified in terms of professionalization, I hope if done right will increase the pride that CBP officers feel about the better mission.

We need to do something that we—

Chairman THOMPSON. All right. Thank you. Thank you very much. I am going to have to try to get to Ms. Mulligan and Mr. Cilluffo before my time runs out.

Ms. Mulligan.

Ms. MULLIGAN. So quickly, I agree that updating the mission and instituting a joint duty-type program are excellent suggestions. I think the one thing that I would focus on and emphasize is the politicization of the Department is also a driver here. One of the ways the committee can help address that is by ensuring that there are more career civil servants in leadership positions across the Department, because that is what helps, you know, sort-of create a buffer and help reduce the sort-of sharp political shifts between administrations that end up impacting day-to-day what you think your mission is and how well you think you are or aren't serving that mission.

Chairman THOMPSON. Thank you very much.

Mr. Cilluffo? Unmute yourself.

Mr. CILLUFFO. Hi, Mr. Chairman. I was saying I will be brief, which is very rare for me since I have never had an unspoken thought.

But bottom line is I really thought that Carrie hit that question out of the park. Agree with everything she said there. The one thing I would add is the mission by definition, if something bad happens, that is how people are sometimes defining success. So if we can find ways to flip that equation, I think that is critical.

I also think when it comes to cyber, I want to double tap a couple of points that I raised. One, we need a more diverse cybersecurity work force. We need more women, more people of color. We need to bring in—the numbers are just staggeringly low. I think there are ways that that can change in terms of morale.

So bottom line is I know you are running out of time, I just wanted to add that one point on cybersecurity.

So thank you, Mr. Chairman.

Chairman THOMPSON. Thank you very much.

The Chair recognizes the Ranking Member.

Mr. KATKO. Thank you, Mr. Chairman. Thank you all for testifying today.

[Audio malfunction.]

Chairman THOMPSON. Ranking Member, I think we are having some problems. I am not able to hear him. We will come back to the Ranking Member.

The Chair recognizes the gentlelady from Texas for 5 minutes.

Ms. JACKSON LEE. Good morning, Chairman, and good morning to the witnesses.

I am glad to hear one of the witnesses highlight 9/11 since those of us who are senior Members of the committee were here and certainly it was a cause for the creation of Homeland Security.

I want to ask, as we begin to look at reform, I think the witness from the Atlantic mentioned COVID and one other issue, but did not mention the actions of January 6, which is domestic terrorism.

Whoever wants to answer, do you not believe that that issue should be a crucial component of Homeland Security and any reform should be focused on how quick a response Homeland Security can offer because my disappointment was it was a discombobulated unorganized response. The FBI was completely absent, particularly the director of the FBI. The idea of a National security or domestic security agency did not seem to be present.

If someone wants to take that answer.

I also would appreciate the gentleman from the Atlantic as to why domestic terrorism wasn't one of his top issues.

Mr. WARRICK. It actually very much is one of my top issues. It was an issue in our report that we highlighted even in September 2020 needed more time and attention from DHS than it had been getting. All of that was driven home by what happened on January 6.

We have also taken a very detailed look at the events of that day and DHS, while it is not responsible for collecting the dots, it is very much responsible for connecting the dots. DHS, INA in particular, should have done a much better job of bringing that forcefully if necessary, to the attention of leadership in the law enforcement agencies who found themselves unexpectedly on the front line that day. So there was a lot that DHS could have done better and differently.

Ms. JACKSON LEE. Ms. Cordero—thank you. Our time is very short. You had offered some reforms. Do you have any reform that would relate to a quicker response and a greater presence of DHS on a day like January 6, which we hope never in our life to see again in America?

Ms. Cordero.

Ms. CORDERO. Thank you, Congresswoman.

I think the DHS could have had two important roles in mitigating the day of January 6. The first is as a warning role. So this pertains to the role of intelligence and analysis. We actually at the Center have a new report out that is specifically on proposals for Congress to think about to reform the Department of Intelligence and analysis in the Department so that that office functions better.

Right now it is neither living up to its expectations nor is it doing the job that folks expect it to do.

In addition, there is a physical security component. I assess that had January 6 been designated a National Special Security Event with the Secret Service as lead under the leadership of the Department, that the physical security itself would have been much improved on January 6.

Ms. JACKSON LEE. Sorry, before my time is up. Are you suggesting that should have been done ahead of time? Is that my understanding?

Ms. CORDERO. Yes, Congresswoman.

Ms. JACKSON LEE. Thanks so very much. Sorry for the time shortage.

As it relates to the pandemic, there was multiple confusion, layers of confusion, doctors, first responders using plastic bags to cover themselves. When FEMA became involved, a singular agency, things began to turn the corner.

Do we have any thoughts about the reinforcing of FEMA, strengthening of FEMA, giving FEMA's administrator Cabinet status? As well, the problems we had with the Stafford Act, where FEMA cannot work directly with local communities.

Someone take that point up please.

Ms. MULLIGAN. Sure, I will go ahead and try.

I think you are absolutely right that the role that FEMA has been playing, and is likely to play in the future, is going to be bigger and more central than the role it has played in the past.

One of the things that I think is actually a success story of the existing DHS is how far FEMA has come in terms of developing systems and processes. What I envision long-term is a FEMA that functions almost like a Federal quarterback to augment lead departments and agencies and to build kind-of institutional capacity that can be used so that we aren't constantly relying on our military to aid in non-military and non-defense-related emergency response. If we can build more of that capacity within FEMA I think it will be to the good.

In terms of whether FEMA needs to be a Cabinet-level agency itself, I actually think a strengthened DHS central headquarters component could be effective without a Cabinet-level role. But I 100 percent agree that FEMA's role needs to be larger in a re-imagined DHS.

Ms. JACKSON LEE. Just last—let me get a response regarding the diverse work force. We know that TSA and TSO officers may be diverse, but across the board how valuable is it that we have a more diverse work force with women and minorities?

If just someone can give a quick answer, Mr. Chairman, I will be able to yield back.

Anyone who wishes up to take up that importance of diversity. I know one point was made about cyber, but across the board we found that to be very challenging.

Mr. WARRICK. You are absolutely right. This is one of the things that DHS has struggled in some areas to try to achieve. It does need to be the priority that I think Secretary Mayorkas and his team are now giving it to increase diversity in a number of very important areas.

Ms. JACKSON LEE. I think my—

Chairman THOMPSON. The gentlelady's time has expired.

The Chair recognizes the Ranking Member.

Mr. KATKO. Thank you, Mr. Chairman. I apologize for the technical difficulties and thank you for accommodating me. Thank you all for your testimony today.

Ms. Cordero, I appreciate your comments very much on the morale issue. I thank Mr. Cilluffo for his comments on a need for diversity within CISA and really the Department as a whole.

So I do want to focus my precious time here on CISA. A few years ago we would have never been able to anticipate how important CISA is going to be going forward. Since my time as Ranking Member I have really felt like we need to boost up CISA's budget so they can be the things that we need them to be.

So I will just say that we need it to be a \$5 billion agency within the next 5 years.

Mr. Cilluffo, if Congress were able to make such an investment, what can we expect from CISA in return?

Chairman THOMPSON. You have to unmute yourself.

Mr. CILLUFFO. I am sorry, Mr. Chairman. Ranking Member Katko, I just sang your praises ad nauseum. So I did want to thank you in all sincerity for your leadership on recognizing the significance of CISA and for your prioritization and emphasis around cybersecurity. I genuinely believe this is the crux of DHS's success going forward and the country expects nothing less.

Basically, any policy recommendation I think has to meet three different criteria, and that is the marriage of authority—do we have clear lanes in the road, accountability—is there the appropriate oversight, and in CISA's respect it is both at the National cyber director and with obviously this committee and Congress, and resources. After all, policy without resources is rhetoric.

So I do think that the \$5 billion number sounds good to me. I couldn't give you a very empirically-based answer to that, but we are going to need more resources. We expect CISA to do more, we expect CISA to be the quarterback inside the Federal Government, we expect them to be able to do more across the .gov network. In reality—and I mentioned this in my oral remarks—it is really about the public-private partnership. If we are winning the battles in the beltway, that is great, but at the end of the day it is about enabling and empowering those on the—our cyber first defenders. This is where I hope we see the most impact and I hope Congress will hold CISA to account to achieve some of these objectives.

Mr. KATKO. I agree with you very much about the public-private partnership in general and the need to exchange the information regarding malicious attacks in particular.

In fact, if time permits, I want to ask you one other thing and that is about the Homeland Security Advisory Council. You served on it for many years under both Democrats and Republicans before the current Secretary disbanded it. Why do you believe it is important to have a Homeland Security Advisory Counsel made up of bipartisan security experts to advise the Secretary on the homeland security?

Mr. CILLUFFO. Thank you, Congressman Katko.

I am certainly not going to make this about me, but at the end of the day, an advisory council needs to be mission-driven, and historically it has always been nonpartisan and I genuinely hope that will continue to be the case.

Ultimately it needs to have a diverse set of views, not just in the traditional sense, but those who look at the homeland security enterprise from different perspectives as well. So I think that that is important. It has had significant impact.

So at the end of the day, any council is as good as the Secretaries having trust in that and driving on the missions that they hold near and dear, and obviously with people they can confide in. But my big takeaway on all of this is that I hope it remains as non-partisan as it can be, because otherwise it is going to be a show—it is not going to be all that it can be.

So thank you, Congressman Katko.

Mr. KATKO. Thank you.

Last and real quick, but the Homeland Security Advisory Council, have you heard any efforts by the Secretary to reconstitute it? Has there been any signals from them yet?

Mr. CILLUFFO. Since I am testifying before Congress and I can't duck the—no, I have not heard anything, so—since the initial letter went out to the entire Council.

Mr. KATKO. OK. Well, thank you very much.

Mr. Chairman, I yield back. Thank you for your accommodation, sir.

Chairman THOMPSON. Thank you very much. Glad we are able to do it.

The Chair recognizes the gentleman from Rhode Island for 5 minutes, Mr. Langevin.

The Chair recognizes the gentleman from New Jersey, Mr. Payne, for 5 minutes. Unmute yourself, Mr. Payne. We are still not able to hear you. Well, Mr. Langevin—

Mr. PAYNE. Sir?

Chairman THOMPSON [continuing]. I see you are back.

Mr. PAYNE. Can you hear me?

Chairman THOMPSON. Well, we will go to Mr. Langevin.

Mr. PAYNE. Mr. Chairman.

Chairman THOMPSON. We are going to Mr. Langevin.

Mr. LANGEVIN. OK. Mr. Chairman, do you want me to defer to Mr. Payne?

Chairman THOMPSON. We will be back later.

Mr. LANGEVIN. Whatever you prefer.

Chairman THOMPSON. We will be back to Mr. Payne shortly. Mr. Langevin.

Mr. LANGEVIN. Very good. Thank you, Mr. Chairman. I want to thank our witnesses for their testimony today. Let me start out with Mr. Cilluffo if I could. Frank, it is great to see you again. I appreciate your service on the Cyberspace Solarium Commission. I am proud to have served with you and continue to serve with you as the commissioner there. But unsurprisingly, I agree wholeheartedly with your focus on cybersecurity as the key emerging threat facing the country. Yesterday, the White House announced it had formed a Ransomware Task Force to address that scourge, which I think is important. But can you expound on the role CISA

and DHS, more broadly, should play in protecting the Nation from ransomware, particularly, in the context of our Solarium Commission recommendations?

Mr. CILLUFFO. Well, thank you, Congressman Langevin. We follow you in terms of all you have done for the commission to advance our recommendations. Bottom line here is there were in addition to CISA's critical role, one of the primary recommendations we put forward and the NDAA translated into law and is now, has its first National cyber director is the Office of the National Cyber Director. Which I think serves as sort-of the head coach to be able to finally get everyone talking on the same sheet of music off of the same playbooks where offensive, defensive coordinators can work together and we can have full visibility.

CISA does play a key role. I think the first area it can have greatest impact and translate a concept into reality is around the JCPO or the Joint Cyber Planning Office. Which can ultimately be the belly button between CISA and—for defensive purposes, not taking away from NCI, JTF, and FBI's important mission in law enforcement and scaling opportunities to claw back ransomware bitcoin and the like. But CISA does play a big role in being the belly button and center of gravity to be able to interact with our private sector.

Congressman Langevin, as you well know, this is a big emphasis for us going forward. If we want to see real progress, it can't just be the alphabet soup and I don't mean that pejoratively. It can't just be the inside the beltway sets of issues. It really has to be about how we empower and enable our front-line cyber defenders. The private sector is front and center in all of this. They are the primary targets and not many companies went into business thinking they had to defend themselves against foreign intelligence services. But that is what is precisely what we are dealing with today.

So, how do we square that circle will be priority 1, 2, and 3 and CISA plays a big role. I was pleased to see the Stop Ransomware Campaign today because we are starting to see one voice, one team.

Mr. LANGEVIN. Thank you. You encapsulated it perfectly. That was a very insightful answer. Thank you. Let me ask this. I wonder if you could comment also though on the human capital challenges DHS is facing, especially with respect to cybersecurity as we consider DHS reform. What should we be keeping in mind to attract the cyber talent that we need?

Mr. CILLUFFO. Well, Mr.—Congressman Langevin, obviously the numbers are staggering and frightening if you think about it in terms of the shortfall in terms of a skilled cybersecurity work force. I think first and foremost, we need to upskill and reskill and retain some of the best and the brightest we have in place. But I do think we need to look to ways to recruit more diverse—bring in more diversity into the cybersecurity community. Women in particular make up less than 25 percent of the cybersecurity work force. That is just unacceptable. We need to redouble those numbers in a big way. Ultimately, I think K through 12 is—once you hit—and I am speaking from a university, of course. I am going to say post-secondary and college education is a priority and it is. But ultimately, we have to get to the next generation when they are a whole lot

younger. Cybersecurity needs to be part of the way they do cyber. Ultimately, we are talking about K through 12.

I think we have a lot we can learn from some of our allies. Notably, Estonia and Israel in terms of how they are literally bringing in at the kindergarten level, cybersecurity into the curricula. So, I didn't give you a clean answer on that, but it is all of the above,——

Mr. LANGEVIN. Sure.

Mr. CILLUFFO [continuing]. More of it, and faster.

Mr. LANGEVIN. Yes, I couldn't agree more. Yes, focusing on K through 12 essential and also diversity. Look, we are stronger when we have varied and different points of view and backgrounds that we can bring to the table to offer expertise and talent and we have to work harder on the diversity part as well.

I know my time has expired. I have other questions that I will have to submit for the record. But thank you for those and thank you to the rest of the panel. I am sorry I couldn't get to you for questions. But thank you, Mr. Chairman. I yield back.

Chairman THOMPSON. The gentleman yields back. The Chair recognizes the gentleman from Mississippi, Mr. Guest, for 5 minutes.

Mr. GUEST. Thank you, Mr. Chairman. Frank, I want to visit with you just a few minutes, kind-of highlight a few of the things that you briefly testified in your opening statement and also in the report that you provided prior to your testimony. You say in your report that the most prevalent and most pressing matter that we now face is cyber. You say cyber is the area where we must double down and work the hardest to enhance our capabilities. You go on and you talk about some of the more recent attacks that we have seen, both late last year and this year. The Solar Winds, the Microsoft Exchange. You mention the U.S. pipeline, which I am assuming would be Colonial Pipeline, the food supply, which would be the JBS cyber incursions. You talk about ransomware and how ransomware is not just targeting these large multinational corporations, but they are targeting schools and businesses and hospitals.

Then as you go a little later into your report, you talk a little bit about the deterrence factor. You say actually while resilience supports deterrence, it must not eliminate the need for a broader U.S. strategy to deter our adversaries by imposing real costs and consequences upon them. You go on specifically to mention China and Russia where many of these cyber attacks are occurring and that for far too long they have been allowed to engage in cyber behavior that has damaged the United States and that damaged both our National security and our economic security.

So, I would like, if you would, if you could take a few moments to talk about this broader U.S. strategy of deterrence. It seems like we are constantly playing defense and we are not playing offense. That we are allowing these cyber attacks to occur in China and Russia and other nations abroad, but it seems that we are doing very little to engage many of those individuals. I know that we are talking about sometimes law enforcement challenges being unable to make arrests in foreign countries. But for countries that shield cyber attackers, what more can we do? What should that broader U.S. policy of deterrence be? I think you may be muted again very briefly.

Mr. CILLUFFO. Thank you, Congressman Guest.

Mr. GUEST. Thank you.

Mr. CILLUFFO. I think you framed that exceedingly well. Not my words, but yours. I mean, here is the bottom line. CISA has a critical role to play, but we are never going to firewall our way out of this problem alone. It would sort-of be like if you are fielding a football team of only having a front line and not having an offense. You need all of the above.

The reality is, is we need to induce changes in bad cyber behavior. To do that, we need to start imposing costs and consequences on bad cyber behavior. To do that, we need to be willing to put some lines in the silicon. When those are crossed, we have to have the political will, (A), signal and (B), follow through on our ability to respond.

Here is, without getting into anything Classified, because this is very public, we have got the greatest cyber capability right now. That is something that shouldn't be lost on the rest of the world. We also, though, need to be willing to deploy and employ some of these capabilities to ultimately change bad cyber behavior. For way too long, the bad guys have been getting away with murder. This is unacceptable. That said, we need to shore up our defenses. So, the last thing we want to do is—because the initiative still remains with the attacker. Our vulnerabilities are extreme. So, we got to bring all these pieces together. I am confident that the creation of the new National cyber director, which Congress passed last year in the NDAA, can help us get to that point.

But here is the bottom line, not all hacks are the same. Not all hackers are the same. Intentions vary. Capabilities vary. At the very top of the list, peer nations are Russia and China. Just beneath them, Iran, North Korea, what they lack in capability they more than make up for with intent. They have very little compunction to turn toward cyber to achieve their objectives.

Cyber criminals, which 5 years ago were rare, now they are at par with where nations were 3 to 5 years ago. So, we have got a— we have got a witch's brew here we need to deal with. The bottom line is, is we need to start imposing costs. We need to start imposing consequence. We need to follow through and bring all instruments of statecraft. Yes, that includes the military instrument if done appropriately to achieve our cyber objectives.

Mr. GUEST. Let me ask you one follow-up question and then I will be out of time. Do you think the administration is sending a strong enough message to wit to our adversities—our adversaries as it relates to cyber attacks in the response that we will take to defend ourselves using some of our offensive capabilities?

Mr. CILLUFFO. You know, I have long been an advocate that we need to do more. I have been critical of all administrations in this particular space. I do think we saw some positive developments in terms of raising this issue directly with Vladimir Putin. But the proof is going to be in the pudding. Are we going to actually follow through on some of our words and make sure that they are not empty? The worst thing we can do is say we take it seriously and not follow through. So, I will be cautiously optimistic that we are moving in the right direction, but more is needed and I don't mean to go on and on and on. But China is the country we really need

to be looking at closely over the long haul. So much more there is needed and too much to cover in this hearing. But thank you, Congressman Guest.

Mr. GUEST. Thank you.

Chairman THOMPSON. The Chair recognizes the gentleman—thank you. The Chair recognizes the gentleman from New Jersey for 5 minutes, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman, and I apologize for difficulty before. This question is to Ms. Cordero, Mr. Warrick, and Ms. Mulligan. The Trump administration's abuse of DHS authority over the last 4 years hurt the Department's reputation and disseminated—decimated, actually the public trust in DHS actions. As a Government agency that depends on regular interactions with State and local communities, DHS is uniquely reliant on its relationships with the public. I would like Ms. Cordero and Mr. Warrick and Ms. Mulligan to answer the following question. What are the biggest factors that affect the public's trust in DHS and how can the Department rebuild that trust?

Ms. CORDERO. Thank you for the question, Congressman. So, one of the reasons that I think DHS, in particular, is a Department that needs this public trust is because it is so operational and it touches people in a very personal way every single day, whether it is citizens at the airport or whether it is individuals, migrants trying to enter the country through various means. So, it is up close and personal in a way that many other Federal bureaucracies are not.

It also has an extraordinarily heavy law enforcement component that has grown over time. It has been a very—become a very robust part of its operations. Therefore, it is essential because of these factors, that it be a Department that operate according to the Constitution laws, rules, procedures, and that the public have a good understanding of what those rules are.

So, one of the set of recommendations that I have put forth in several of the reports that I have written have been focused on redeveloping and modernizing the operational guidelines that the law enforcement components of the Department work through increasing the transparency. So, once we have rules and updated rules about how DHS officers and employees are interacting with the public, put those rules out there so that people can see them. They can understand them. Right now, what—

Mr. PAYNE. OK.

Ms. CORDERO. Sorry, I will pause there. Thank you.

Mr. PAYNE. Thank you. Mr. Warrick.

Mr. WARRICK. So, I agree with everything Carrie just said. I won't resummairize it. DHS has extraordinary authorities. Also in areas like cybersecurity, everything we see makes it clear that there has to be even greater trust between DHS and the American people. So, our recommendation is that DHS needs to look at everything it does through the lens of is this going to enhance public trust? That may not make everyone happy, but it is going to be necessary because trust needs to one of the greatest assets that DHS has going forward.

Mr. PAYNE. Thank you. Ms. Mulligan.

Ms. MULLIGAN. So, I think that the reason that we are all circling around the issue of DHS's law enforcement role is because that really is the central place where the trust issues reside, in my view. As we have concluded in our report, it is one of the reasons why we really ought to reconsider whether exclusively investigative law enforcement functions belong at a reimagined DHS.

There will always be some role for law enforcement within the Department because it will continue to need to protect, secure, defend, and enforce. The question really for this committee, I think, is are those the primary beliefs that the Department adds value to the American people? Or is there an expanded role for the view that it connects, communicates, facilitates, helps, and welcomes people to this country? You know, we argue that rebalancing those priorities and bringing them into balance with each other is actually one of the first things we can do to restore trust with the American people.

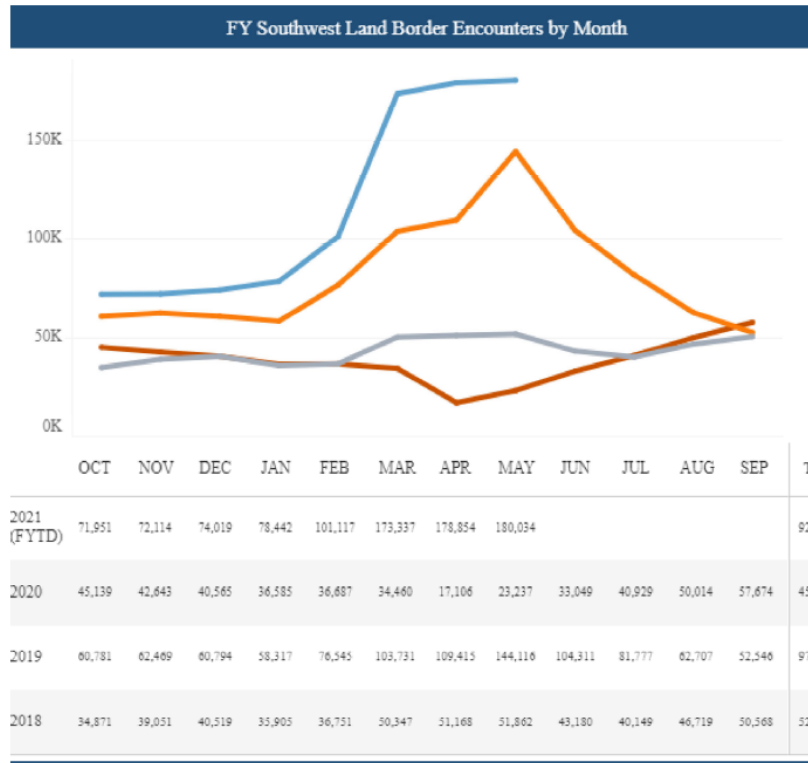
Mr. PAYNE. Thank you. Mr. Chairman, I was going try to slide one more question in, but I will yield back. Thank you.

Chairman THOMPSON. The gentleman yields back and very kindly. The Chair recognizes the gentleman from North Carolina, Mr. Bishop, for 5 minutes.

Mr. BISHOP. Thank you, Mr. Chair. Ms. Cordero, I think it is a fair summary to say you and Ms. Mulligan have sort-of been on the same page, at least the two of you, maybe also Mr. Warrick, on that deemphasizing the law enforcement functions of DHS are a priority and you mentioned, I think, terrorism and also immigration enforcement.

I think the Clerk has a chart that I have used a couple times before. Let me see if the Clerk has that and we can put it up real quickly.

[The information follows:]



Mr. BISHOP. Yes, everybody is familiar with this chart, I think. I think we are getting ready to see results for June that will show that blue line to have ticked up yet again and those are Southwest Border encounters by month. So, we are at a, again, what I have understood to be a 20-year high and it has reached—it is sort-of on a plateau and continuing gradually to increase. You can take that chart down, Madam Clerk. I just wanted to get everybody on the same page.

The orange line that was on that was the 2019 fiscal year and in your paper in March about sort-of the reorienting Homeland Security Department, you suggested that the Trump administration's policies on immigration have been unsuccessful that there had been an increase. I think you were pointing to that 2019 increase in particular. But what was notable about it is that that orange line goes up and then it recedes. We are now up at this, you know, unusual peak that has then continued at a plateau. Does that not change your view about whether or not immigration enforcement continues to be an important priority for Homeland Security?

Ms. CORDERO. Congressman, I am not sure if you were directing that at me or at Ms. Mulligan. But let me start off and then she may have more to add as well. So, perhaps we have—let me explain a little bit what I mean when I am describing drawing down a little bit in terms of the law enforcement capacity of the Depart-

ment. I understand the concerns about border security and, obviously, there is a continued challenge at the border with respect to immigration enforcement. So, I have not suggested that we draw down on Border Patrol or the manpower or resourcing for that at all.

What I am suggesting is that we make sure, No. 1, that the law enforcement components of the Department do what their mission is. So, for example, when it comes to Border Patrol, I want to see Border Patrol agents working on border issues, not being deployed into the interior of the country to do things that are unrelated to Border Patrol.

Mr. BISHOP. OK.

Ms. CORDERO. A second piece that we focused on—that I focused on in my writing has been on the investigative law enforcement capacity of the Department. So, this is what we call Homeland Security Investigations, which is a component of ICE. That is an area where I do wonder where there are—whether there are some duplicative actions between and duplicative activities between that investigative function and perhaps some other law enforcement components of the Federal Government—

Mr. BISHOP. Let me—

Ms. CORDERO [continuing]. Where I think it would be useful to—

Mr. BISHOP. Let me—

Ms. CORDERO [continuing]. Refocus those efforts.

Mr. BISHOP. Let me interject. Thank you. Let me interject and this is a redirect. What is the most important and imperative action at this point in time by Homeland Security that would precipitate an attenuation in that high and plateaued line of enforcement encounters at the Southwestern Border? What does Homeland Security need to do to attenuate that flow as much as the Trump administration—or was accomplished in the Trump administration by seeing the thing decline rather from a peak?

Ms. CORDERO. So, Congressman, I appreciate the question. I don't think there is a magic bullet for solving the challenges at the border. I think when we talk about the border issues, what we are really talking about is a wide range of policy issues. We are talking the foreign policy as it relates to Northern Triangle—

Mr. BISHOP. Let me interject. I am sort-of just seeing if anybody has got a magic bullet. Let me see if anybody who is the witness would want to jump in and say—I am not saying it has to be a magic bullet, but something that could precipitously reduce that rate.

Mr. WARRICK. Representative Bishop, we need to design an immigration system that processes people fairly, justly, and very quickly. If you tried to run the Supreme Court the way we run traffic court, there would be chaos. The opposite is true.

Mr. BISHOP. So, if you promise to get them through faster, Mr. Warrick, that is what you are saying is the answer?

Mr. WARRICK. But justly and in accordance with the law, yes. But the entire system—

Mr. BISHOP. Do you think it would attenuate the flow?

Mr. WARRICK. You need to be able to have people's cases heard so that they don't have to either wait around for a result or be re-

leased awaiting a hearing. You ought to be able to design a system that avoids border crises like you have rightly pointed us to.

Mr. BISHOP. I yield back. Thank you, Mr. Chairman.

Chairman THOMPSON. The Chair recognizes the gentleman from Missouri, Mr. Cleaver, for 5 minutes. The Chair recognizes the gentlelady from New York, Ms. Clarke, for 5 minutes.

Ms. CLARKE. Thank you very much, Mr. Chairman. Thank our Ranking Member and our witnesses for your insights today. The Center for the New American Securities Report notes that DHS's cybersecurity mission has grown over time. But the authorities of its cybersecurity entity of its—the Cybersecurity and Infrastructure Security Agency, CISA, have not kept pace. The National Defense Act of Fiscal Year 2021 includes several provisions to align CISA's authorities with its current mission including persistent threat hunting authority and the Joint Cyber Planning Office. But our work is hardly done. Ms. Cordero, how has Congress' failure to equip CISA with the authorities necessary to effectively carry out its cyber mission undermined our National security posture? How could this mismatch between CISA's authorities and responsibilities be best addressed?

Ms. CORDERO. Thank you for the question, Congresswoman. I do recognize that this committee and Congress does have a renewed attention on CISA and is considering proposals to be able to strengthen it. So, I appreciate this committee's work on that. Here is what I think when I think about what would be a robust CISA that we want to have? It would be a CISA that has the capability, resources, expertise, to warn both with respect to the .gov and to private and public—private-sector partners and other public-sector partners. It would have the ability to significantly assist in the remediation of cyber events and it would have the capabilities to protect our Democratic institutions. For example, CISA has demonstrated that it is capable of doing a lot when it comes to public-sector partners to protect and strengthen electoral infrastructure. So, warn, remediate, protect. Those are the things that I think would make a robust CISA.

One of the things that I have recommended in the past with respect to what Congress can do, one of the recommendations of the Solarium Commission was to create a select committee in order to take on cyber issues across the board. In a prior report that I wrote with a colleague, Professor David Thaw, we recommended that there at least be an interim select committee on cyber so that we can take these Solarium Commission recommendations, which Congressman Langevin and others have participated in, and drive forward those recommendations so that they continue to have an impetus behind them and a legislative and oversight vehicle in Congress to make them happen.

Ms. CLARKE. Mr. Cilluffo, is there anything you would add or disagree with in that analysis?

Mr. CILLUFFO. I think Ms. Cordero is gutsy bringing up the Congressional oversight, but I do think that that is an issue we need to look at. Quite honestly, your committee, the Homeland Security Committee needs to have the wherewithal and the oversight authorities to do its job across the Department.

But a couple of things I would raise. I brought up SICI, the Systemically Important Critical Infrastructure. I do think there is a time for incident reporting and making that required for the most critical of our critical infrastructures. I do think that the Joint Cyber Planning Office can get us a little closer to where we want to be on the public-private partnership. Because that is where the action should be. Ultimately, I think can move the needle the furthest.

I am a big proponent of the National Cyber Director, but there is one I want to bring up that I haven't discussed and nor have I heard from anyone yet today. Supply chains are so important here. We are so dependent from a component perspective, we have got to start bringing onshoring some of these key technologies and capabilities back to the United States. While that is an issue across the board, the truth is we have a whole long way to go because we don't even have visibility across our supply chains. After each incident, it is like we are starting afresh and anew—

Ms. CLARKE. Very well. I would love to talk to you more about that. I want to get in one more question for our panel.

Mr. CILLUFFO. Thank you, Ms. Clarke.

Ms. CLARKE. That is multiple administrations have struggled to improve coordination between CISA and other Federal agencies, and have tried to overcome turf battle to improve our cybersecurity posture. Last year's National Defense Authorization Act included language codifying the role of Federal agencies that oversee critical infrastructure sectors in establishing the National Cyber Director.

Among other things, despite efforts to clarify roles and responsibilities of CISA and other agencies, coordination within the Federal Government to promote the security and resilience of the Nation's critical infrastructure is not where it needs to be. What more do you think Congress will need to do to ensure effective strategic interagency collaboration to address cyber threats against critical infrastructure? Are there other recommendations, for instance, for the Cyber Solarium Commission—from the Cyber Solarium Commission that you believe would help foster better collaboration? It is for the entire panel, I am sorry. I know my time is up. Just quickly any thoughts?

Mr. WARRICK. I will go first. We would certainly agree with what Frank is saying about the need to designate critical infrastructure in cyber so that they have certain obligations and get certain benefits. That is one of the most important recommendations that needs to be adopted.

Ms. MULLIGAN. The one thing I would add—

Mr. CILLUFFO. Ms. Clarke, can I—

Ms. MULLIGAN. The one last thing I would add is I do think that one of the issues that we are—you know, we can build capacity and we absolutely should in the ways that have already been outlined. But we have to start creating an output out of DHS that is fit for purpose. In other words, DHS is going to need to do a better job, continue improving its ability to understand what the critical infrastructure providers that are outside of Government actually need to be informed about and how to inform them in a timely way and with a level of specificity that they can actually act upon.

Ms. CLARKE. Very well.

Mr. CILLUFFO. Congresswoman Clarke,——

Ms. CLARKE. Yes.

Mr. CILLUFFO [continuing]. Just one point I want to raise because I think it is important. So, CISA, of course, is at the center of a lot of this activity vis-à-vis our critical infrastructure owner/operators. But it is also the sector risk management agencies. So, what we used to call the SSAs, the Sector Specific Agencies that are working. So, DOE, for example, plays an important role with grid security and needs to continue to do that. CISA can help enable that. So, I think the new National cyber director, we finally have a head coach. Someone who can bring together the offensive coordinator and the defensive coordinator onto the same field with the same playbook, and all I ask is that Congress enable Chris Inglis to be able to do his job as National cyber director. So, thank you.

Ms. CLARKE. I appreciate that. Mr. Chairman, I yield back and I thank you all for your expertise today.

Chairman THOMPSON. Thank you. The Chair recognizes the gentleman from New Jersey for 5 minutes, Mr. Van Drew.

Mr. VAN DREW. Thank you, Mr. Chairman and Ranking Member Katko, and thank you for having this hearing and I thank the witnesses for testifying. As you all know, we are truly living in extraordinary times. Threats of all sorts, whether cyber, ransom, or physical, greatly threaten the safety and security of our great Nation. In the past 6 months, we have seen ransomware attacks like we have never seen before. Water treatment plants, meat packing facilities, pipelines, you name it, it has been attacked. Russia, China, Iran, and other dangerous adversaries are working to undermine our critical infrastructure which is why it is important now more than ever for Congress to work with stakeholders to produce effective solutions.

In addition to our cyber vulnerabilities, our border faces serious threats as well. Unprecedented numbers of migrants have entered the United States through our Southern Border. Yet, the administration has done practically nothing to remedy the situation. Immigration and Customs Enforcement officers and Custom and Border Protection agents are overworked by anything we could even ever imagine and they have high, very high rates of burnout. Like the witnesses have outlined in their testimonies, it is no secret that the Department of Homeland Security has its shortcomings despite a heightened threat landscape.

It is ironic, however, that the Department is receiving very small increase in funds at this very critical time. Ms. Mulligan, in your testimony, you said that DHS should shift toward a more service-driven approach that treats immigrants as an asset to be managed rather than as a crime issue or anything to be enforced. Do you believe—simple question—do you believe in the rule of law?

Ms. MULLIGAN. Of course.

Mr. VAN DREW. OK. Are you aware that the United States is facing the highest level of migrants at the Southwest Border in 21 years? In fiscal year 2021, over 900,000 migrants have been encountered along the Southwest Border. Are you aware that under U.S. Code Section 135, it makes it a crime to unlawfully enter the

United States not at a port of entry? It is a crime. Are you aware of that?

Ms. MULLIGAN. I am aware of persistently high rates of migrants presenting at the Southern Border, yes, over time.

Mr. VAN DREW. Are you aware that it is a crime?

Ms. MULLIGAN. Absolutely.

Mr. VAN DREW. OK.

Ms. MULLIGAN. Not to present, but to unlawfully enter is a crime.

Mr. VAN DREW. In fiscal year 2021 to date, CBP has arrested 6,918 individuals with criminal convictions. How would you ensure that criminals and gang members who are smuggled into the country between ports of entry are actually caught because of the extreme danger that they present?

Ms. MULLIGAN. I think its incredibly important to understand that none of us today have argued for a dismantling or, you know, a radical shift away from any of the protecting, securing, defending, or enforcing missions of the Department. I think bringing them into balance is what I have certainly testified about.

In terms of safety and security at the border, I think it is really important to differentiate between, you know, folks who are trying to enter the country who have the kinds of criminal records that you are talking about and folks who are presenting at the border who don't. The overwhelming majority do not. Now, it is the function of CBP to try to differentiate between those things, but we shouldn't be treating them all the same. And—

Mr. VAN DREW. I understand that but, again, just going back to the previous statement, how can we consider this an asset to the country? I agree with you. We need new immigration laws. We need to change the system. I believe in legal immigration. But should we just open our borders everywhere or it is just in that area in the Southern Border? How do we really approach this? Why is it bad for a nation, a sovereign nation, to have borders to protect the people who live in the nation and then to actually put together a real legal immigration plan?

But how can illegal immigration when, in fact, as we know, illegal immigration that we have now children are being used. Children are being abused. Children and women are being used as drug mules. They are being sexually attacked in order to get more people into our country. How can that be a good thing? How can that be right even for them? When before we had agreements with the Northern Triangle, we had agreements with Mexico in which those folks were held and they were treated decently there and we were building an actual border in our country. How can that be wrong? Countries have borders. Every country. Mexico does. Canada does. Every country we know of pretty much that speaks for itself at all has a border. How can we just let this happen?

Ms. MULLIGAN. Thank you for the question. I think that we absolutely should have a border and I am, you know, as a lawyer myself, deeply respectful of the rule of law in this country. But I do think that when we are talking about the threats facing the Nation and we are prioritizing, you know, without infinite resources, we do need to prioritize a range of threats that are posing, in my view, significantly heightened risks to American lives and prosperity.

Things like the pandemic, the cyber issues that we have been discussing. Those are threats that are impacting America's lives and their pocketbooks in ways that far exceed what is happening at the Southern Border.

Mr. VAN DREW. Do you think fentanyl is a threat to America, the drug fentanyl? Because the numbers—

Chairman THOMPSON. The gentleman's—

Mr. VAN DREW [continuing]. Are geometrically growing—

Chairman THOMPSON. The gentleman's time—

Mr. VAN DREW [continuing]. With fentanyl. Do you believe that that is a threat? It is all coming in on the ports of entry.

Chairman THOMPSON. We will let—excuse me. We will let you answer the question, but the gentleman's time has long expired.

Mr. VAN DREW. Thank you, Mr. Chairman.

Ms. MULLIGAN. I think fentanyl is absolutely a threat. Look, that is why it is tremendously important to have a Department of Homeland Security that is focused on taking a broader view of what it means to keep the Nation secure. One of the things that I find really heartening about the conversation that we are having, is that we are breaking out of, you know, focusing exclusively on terrorism as the only mission of the Department. This gets back to what Ms. Cordero and Mr. Warrick have said earlier. We have to get to a place where we are defining what it means to keep the Nation secure more broadly so that it includes all of the issues that you are raising and so that those become part of the core mission of the Department.

Mr. VAN DREW. Thank you for your time.

Chairman THOMPSON. The Chair recognizes the gentleman from Missouri, Mr. Cleaver, for 5 minutes.

Mr. CLEAVER. Thank you, Mr. Chairman. I appreciate all of the witnesses today. I have just a couple of questions that I wanted to try to deal with if I could. One of them is, if it has already been dealt with, Mr. Warrick, or anyone, frankly, we have had this increase in the number of incidents on the U.S. airlines with unruly passengers. If that has already been dealt with, I will just, you know, get a response later from some of my colleagues. But if it has not been addressed, I would appreciate if any of you who might want to respond to that if you can.

Mr. WARRICK. So, Representative, the issue of security aboard airlines is one that TSA takes very seriously. Federal air marshals are trained in these. Airline flight crews are trained in how to deal with the situations. I think all of us have been a bit fraught about air travel over the last year. But this is going to be an example of the kind of mission that DHS will always have to undertake and is one of the reasons why the law enforcement personnel, the Federal air marshals that TSA have are an essential part of protecting our aviation security system.

Mr. CLEAVER. Yes, I guess—thank you. I appreciate your response. You know, we are having people fighting on a plane, you know, passengers are helping to control this, which is the good news. You know, and people don't want to wear a mask because I guess whatever side it is, but they hate the other side more than they love their health. So, you know, it is a big mess. But I guess that is going to happen like a lot of other things for the time being.

But the Center for American Progress Report calls for DHS to refocus its work based on a safety and services model rather than a threat-oriented model. As I understand it, a safety and service approach does not ignore or reduce or downplay the risks that threaten American security and prosperity, but it does focus—suggests that we focus DHS where it is most effective and avoid duplicating the work of other Federal agencies. Ms. Mulligan, can you describe how this safety and service approach best addresses the foundational issues, long-standing challenges, and expanding the DHS mission?

Ms. MULLIGAN. Absolutely. You are completely right that the safety and services model doesn't downgrade or diminish the importance of the protecting and securing and enforcing missions that are sort-of central and have been central to DHS since it was created. But as Ms. Cordero said earlier, DHS is one of the parts of the Federal constellation of departments and agencies that most Americans come into contact with more regularly than any other Federal department. We rely on them when we go through airport security, when we come back from a vacation, you know, when disaster strikes in our home town and we are relying on Federal resources for help in a time of need.

Those are missions that in my view are going to become more important in the next 20 years than they have been in the past 20 years. It argues for a DHS that takes pride in those missions and puts them in a—brings them into balance with the other missions that it has been focusing on for the past 20 years. So, you know, our vision heading into the future is for a reimagined DHS that moves away from the origin story of 9/11 and focuses on how it can meet America's needs.

Mr. CLEAVER. I don't know how my time is, Mr. Chairman. I clearly can't see the clock. But does FEMA pull down things? I mean, FEMA is kind of a different part of this Homeland Security portfolio that, you know, our Chairman is carrying around. But should that be under HUD? I mean, HUD has a Community Development Block Grant Disaster component and it seems to me that that may be more appropriate for HUD than DHS.

Ms. MULLIGAN. So, I think FEMA definitely belongs in a reimagined DHS that is focused more on safety and services. If DHS, if the future vision is primarily, you know, a law enforcement security provision department or agency, then maybe, yes, I could see the kind of, you know, move that you are describing. But in my view, there is something inherently integral between what FEMA provides and what is, you know, what the threats are that are facing the country. Having them integrated within the Department of Homeland Security makes a lot of sense as long as if those missions are not being diminished as the headquarter's level focuses elsewhere.

You know, I think, you know, having seen first-hand emergency preparedness and disaster response when I was at the Department of Justice, I could say that, you know, FEMA's come a long way since Hurricane Katrina what they do. They, in my view, are one of the success stories within the Department. When you think about FEMA and the conversations that we have been having earlier in this hearing around CISA and the way that CISA is acting

as the Nation's threat advisor, there is a threat advisory role that you see over and over again at DHS that it does better than any other part of the Federal departments or agencies and it needs to lean into those areas where what it is doing is adding unique value that falls between the cracks of where other departments and agencies act.

Mr. CLEAVER. Thank you, Mr. Chairman.

Chairman THOMPSON. Thank you. The Chair recognizes the gentleman from Texas, Mr. Pfluger, for 5 minutes.

Mr. PFLUGER. Thank you, Mr. Chairman and Ranking Member. There has never been a more important conversation having served in the military for 2 decades. I don't think that there has been a time since 9/11 that we have faced the number of threats that we face right now. Cyber threats, the rise of great power competition, the crisis that we have at our border, economic threats. I mean, they are all over.

So, what I would like to start with being a Congressman from Texas and representing a district that is very much feeling the pain from this crisis, is specifically related to the border. Mr. Warrick, in your—one of your testimonies or questions, you talked about the morale of CBP officers. I couldn't agree with you more that it is at an all-time low. I mean, they are being asked to protect us and yet the resources that they are being given and the policy that is being handed down is anything but protective of the job that they are doing.

So, I am interested to know with DHS's inability to really call the situation at our Southern Border a crisis, including the funding for hiring additional people, you know, what are the additional impacts that you see on morale? Mr. Warrick, if I may, have you been the Rio Grande Valley or to the Southern Border in the last couple of months?

Mr. WARRICK. Not in the last couple of months because, obviously, it is a lot easier to arrange travel as a Member of Congress than in the private sector. The challenges that CBP faces actually go back to something that predated a number of the policies in the Obama administration. There was a decision taken to change the way pay was—and overtime was administered. That actually was started in the——

Mr. PFLUGER. Mr. Warrick, if I may, I would like to really just kind-of focus on the policies we have right now and on the morale——

Mr. WARRICK. Right, and so——

Mr. PFLUGER [continuing]. That we are seeing.

Mr. WARRICK. Yes, and so,——

Mr. PFLUGER. I was just recently at the border and talked to a number of just, you know, agents that are right there doing the National security mission. That is really what I would like to kind-of understand from your perspective is.

Mr. WARRICK. Oh, yes. No, I would agree that Chris Magnus, if he is confirmed by the Senate, is going to have a challenge equal to any other major law enforcement organization going through some difficult times. So, it is going to take a lot of help and it is going to take support from the Congress that should be bipartisan in order to try to address CBP's problems. But they are deep and

they go back to the hiring that was done when CBP felt it needed to increase its numbers and then there were problems that have been well-documented by both Democrats and Republicans in office.

Mr. PFLUGER. Well, thank you for that. We are going to enter an era where law enforcement is going to be—is going to continue to scratch their heads wondering if the policies from above are going to actually support the mission that they are doing. We have a crisis at the Southern Border. The numbers do not lie and yet nothing is being done to address it.

Let me ask another question that is completely unrelated to the border. I would encourage everybody on this panel that we have got to tackle this. There are more drugs. Fentanyl was mentioned. It is impacting communities that are not on the border. My community is not on the border. I am in Texas. It is going to impact every single one of our communities, if not already.

In some of your opening statements, it was mentioned that the need of an associate secretary position is being required. Somebody who concentrates on law enforcement issues and that it would be a positive step in the reformation effort. I am very interested in this because it sounds to me a little bit bureaucratic, an additional layer of bureaucratic red tape. What is this position really going to do? What is their jurisdiction going to be? Anybody can answer.

Mr. WARRICK. My view is it is going to solve the problems that CBP and ICE and others have that they need solutions on but haven't been able to get the support from headquarters and with the Congress that they need. So, I hope it provides that kind of leadership. Over to Carrie.

Mr. PFLUGER. Anybody else want to comment on that quickly?

Ms. CORDERO. Absolutely, Congressman. You know, this is the model of the Justice Department as well where there is an Attorney General, a deputy attorney general, and an associate deputy attorney general. All it does is it helps the Department be managed better because they can—the deputies and the associate can split up portfolios across the Department so that the Secretary can have a birds' eye view and then they can focus more on particular components.

So, it is something that has worked in other departments. When I roundtabled this with experts who had served across administrations, bipartisan group of experts, everybody agreed that this would be a productive thing for the Department.

Mr. PFLUGER. Well, thank you for that. I am interested to see that because the deputy to the assistant to the deputy as somebody who served in the DOD, sometimes leads us into this bureaucratic nightmare where clear vision, objectives, and mission statements are completely clouded. What I think would be helpful this time for ICE specifically, since you brought that up, is for the priorities to be handed down. Because right now they don't know the priorities and they are not able to do their job to the full extent. Mr. Chairman, thank you. I yield back.

Chairman THOMPSON. The gentleman yields back. The Chair recognizes the gentlelady from Nevada, Ms. Titus, for 5 minutes.

Ms. TITUS. Thank you very much, Mr. Chairman. We have heard a lot this morning about the serious problems within the work force at DHS. We know that employees have low morale. They are not

a very diverse work force. Also, they are reluctant to leave their regular jobs for a temporary position with FEMA to go out and fight some of these disasters, especially if caused by climate change, because unlike reservists, they don't have job protection guarantees.

I am working on some of these issues with the help of the Chairman. For example, earlier this year I introduced the Homeland Security Acquisition Professional Career Program Act. It has passed the House and that was last April, and it passed out of Senate committee just yesterday. It would target recruitment at HBCs, veterans' organizations, and minority-serving institutions. I hope that our panel, especially Ms. Cordero and I believe the two people who are employees formally at TSA maybe can weigh in on this and if that will positively help the work force. I think it would and I hope they will agree and help us get it out of the Senate in a hurry.

Another problem that we have heard about and we have heard a lot about the border today, is the lack of the latest technology at DHS that we don't seem to be able to catch up and deal with new and emerging threats. I am especially thinking about unmanned aerial systems. We are seeing them more and more at the border as they come across with illegal drugs and weapons. I wonder if you know if we are working from DHS with Department of Defense for the development of some kind of countermeasure or some kind of technology to counter these operations to prevent these kinds of occurrences at the border. Because it seems like the Department of Defense does a lot of research in this area and we don't want to get siloed. We want to be able to reach across and partner and perhaps take advantage of some of that research.

Mr. WARRICK. Representative, that does in fact go on. The instrument packages that DOD needs for its use of UAVs is actually different from DHS's. But I am sure a technology brief would be enormously beneficial to show you some of the things that CBP professionals would like to see in future technology. You are absolutely right. This is hugely important and very leveraging and a far more effective use of scarce taxpayer dollars than some other ideas I have heard.

Ms. TITUS. Well, drugs seem to be a special problem. It is not effective to shoot them down with a gun, but you can't shoot them with a missile, and then you have got collateral damage. So, we do need some kind of technology to deal with that growing threat, I believe. Would you all comment about the work force and how diversifying it and this bill might be helpful? Anybody?

Ms. MULLIGAN. I certainly support all efforts to diversify the work force. I think some of the ideas that you have laid out in the bill are absolutely steps in the right direction. You know, I think part of the problem with work force morale also though stems from the politization of the Department. When you, you know, are down at the Southern Border as we were just hearing from a different representative, and you are talking to folks who are living it day in and day out, part of the problem isn't just what they are being asked to do. It is how it changes over time. How these issues are prioritized and then deprioritized. So, having stable civilian leadership within the Department is also a critical role.

Ms. TITUS. Well, we have certainly seen a number of people rotate in and out of that position over the last 4 years. Many of whom were not qualified and stayed for only a short period of time and couldn't offer that kind of leadership that you need. Also, I think if we rewarded the work that we ask TSA employees to do, that might help with morale too. Not just in salary, but in some benefits and bargaining powers.

Ms. MULLIGAN. Absolutely agree.

Ms. TITUS. OK. Well, we will keep working on that and try to get it through. I thank you, Mr. Chairman. I look forward to getting that technical briefing and maybe we can see how we can work on the drone issue as well.

Chairman THOMPSON. Absolutely. The gentlelady——

Ms. TITUS. I yield back.

Chairman THOMPSON [continuing]. Yields back. The Chair recognizes the gentlelady from Iowa for 5 minutes, Mrs. Miller-MEEKS.

Mrs. MILLER-MEEKS. Thank you, Mr. Chair. We have certainly heard about the threats that are facing our homeland and we have heard about the border. Like Representative Pfluger, I have visited the border and to me, every State is a border State. Last year, we predicted at the pandemic many people such as myself that are both veterans and physicians predicted that with our response to the pandemic that there would be an increase in deaths from drug overdoses with increased drug addiction as well as suicide. Just today, the *Des Moines Register* published that 87 percent of opioid overdoses in Iowa this past year as compared to 2016, 87 percent were related to fentanyl. As we know, with the massive numbers of people coming across our border illegally and CBP having to process those individuals, our agents are pulled off of the border from protecting the border. So, that is a tremendous problem that has only worsened during the pandemic.

From the pandemic standpoint, and this for any of the witnesses, during the response to COVID-19 this past year, it has been painfully apparent that not even the Federal Government has all the necessary resources to, you know, respond to a true National emergency or disaster such as the pandemic. We saw that there was failure on the part of the CDC with testing and with the FDA as well. Every year Congress appropriates billions of dollars in preparedness grants to State and local emergency managers and public safety partners. Even in this last COVID bill, unfortunately there was not increased funding to non-competitive grants to our public health work force, or public health grants, which are the people that are on the front line of treating this pandemic.

Many say that these grants have become entitlement grants focused on sustainment and maintenance resulting in crowding out of important investments and innovation and the ability to meet emerging threats and risk. In light of the National response to COVID-19, should we overhaul these preparedness grants to ensure we build capacity at every level of government? More importantly, be able to measure the return on investment to the Nation with this significant investment? Any of the witnesses can respond.

Mr. WARRICK. I would agree that there needs to be a complete overhaul of how we prepare for future pandemics. Indeed, just as there is now a January 6 Commission, I think at some point, not

to put too much of a burden on the Chairman, at some point you all should think about a commission to investigate what needs to be done to protect us from future pandemics. Because as many people have said, the response to COVID-19 in early 2020 was a National disaster with a number of deaths exceeding that of many of our major wars. We need to have you all in the Congress lead an effort to try to deeply understand what went wrong because I can tell you from what I know, it is a problem.

Mrs. MILLER-MEEKS. Thank you, Mr. Warrick. I would wholeheartedly agree. I am on the Select Subcommittee on the Coronavirus Task Force and I do think that our response to this pandemic and future pandemics, in addition to supply chain manufacturing coming back to the United States, the origins of COVID-19, which seems to be an issue with our colleagues on the other side of the aisle, we need to explore that. And use the international community to set standards for disclosure and laboratory safety, especially when you are biolevel 4. Just to follow up on that, do you think States have the responsibility to obtain and maintain a certain level of preparedness for future pandemics and/or cyber attacks?

Mr. WARRICK. Yes, but we can't turn upside down the Federal responsibility. That also has to be part of the picture.

Mrs. MILLER-MEEKS. Thank you very much, Mr. Chair. I yield back my time.

Chairman THOMPSON. Thank you very much. The Chair recognizes the gentlelady from Florida, Mrs. Demings, for 5 minutes.

Mrs. DEMINGS. Thank you so much, Mr. Chairman, and thank you to all of our witnesses for being with us today. Ms. Mulligan, multiple administrators—or administrations have struggled to improve coordination. I am particularly interested in a coordination, communication, transparency, between CISA and other Federal agencies that share other responsibility. We have already heard it said that we have talked about the National, the appointment of the National cyber director. We have heard it said just let him be able to do his job.

But despite efforts to clarify roles and responsibilities of CISA and other agency coordination within Federal Government to promote the security and resilience of the Nation's critical infrastructure, is not where it needs to be. Ms. Mulligan, what more do you think Congress will need to do to ensure effective strategic inter-agency corroboration, or collaboration to address cyber threats against critical infrastructure? I would hope as we discuss so many issues today on this particular committee, that we would not abandon our responsibility which our primary responsibility is the safety and security of our homeland in all areas of our Nation, whether it is an attack on the United States Capitol or other areas. So, Ms. Mulligan, if you could please talk about some of the challenges of coordination and what can Congress do to help?

Ms. MULLIGAN. So, one of the biggest issues, you know, I have served in multiple different departments in the Federal Government, from the intelligence community, to the Department of Justice, to, you know, part of the National Security Council staff. One of the issues that you see is confusion surrounding who is the lead Federal agency? So, one of the things that this committee can be

extremely helpful in doing, and as Ms. Cordero discussed earlier, is sort-of relooking with fresh eyes at DHS's mission and be very clear about where we want DHS to be the lead Federal agency and where we want it to support.

When it comes, you know, our recommendations at the Center for American Progress are that DHS should have the lead and be the lead Federal agency in two really important areas that are central to the question you have asked. One is in connecting Federal resources and officials with State, local, Tribal, and territorial officials and also with the public and private sectors. What we find is that is often each department and agency on their own trying to make those connections, it is very confusing for the people who are the recipients of that outreach. If you designate DHS as the lead for handling the connecting mission, that is going to create a lot of clarity and it is going to empower DHS to do what it does quite well. CISA is a great example of this.

The other place where I think multiple folks on the panel agree that DHS should have a larger role is around communicating. What we mean by—what I mean by communicating is communicating threat information and prophylactic actions that the public and private sector can take with, you know, companies, the American people. Being the lead communicator about threat information is a really important way for DHS to, you know, invest in the resilience that you were just talking about.

Mrs. DEMINGS. Thank you so much, Ms. Mulligan. Mr. Warrick, climate change is driving the frequency, size, impact, and complexity of a range of natural disasters including storms, floods, droughts, wildfires. Of course, this places an additional burden on FEMA, as you can imagine. As these disasters become more complex, their cascading effect becomes more unpredictable and thereby stresses the entire Homeland Security enterprise. I do believe they are directly related. Can you please describe the strategy DHS needs to use to address the security implications of climate change?

Mr. WARRICK. So, it is not DHS's mission, Representative Demings, to lower global temperatures. But it is DHS's mission to make sure that extreme weather, hurricanes, floods, wildfires do not jeopardize American lives and American infrastructure. That means working closely with State and local governments to make sure that codes are up to spec, that they have emergency assistance when they need it. But it especially is important that we design for resilience. That all of the things that Government does that touches our lives is done with an effort to try to protect us so that when one of these kinds of disasters occurs, it doesn't harm people. It doesn't destroy the infrastructure of our country.

Mrs. DEMINGS. Thank you so much, Mr. Warrick. Mr. Chairman, I yield back.

Chairman THOMPSON. Thank you. The gentlelady yields back. The Chair recognizes the gentleman from Georgia for 5 minutes, Mr. Clyde.

Mr. CLYDE. Unmute myself. Oh, there we go. All right, thank you, Mr. Chairman. I want to follow up on my colleague from Texas' excellent comments. You know, we talk about morale within DHS hitting the bottom and I would certainly agree. It is completely clear that when an agency's important work doesn't get sup-

port from top leadership, especially political leadership, morale suffers. So, we can start by stopping the negative comments about ICE, about Border Patrol, about CBP, et cetera, when they are just trying to do their job and follow the law.

When politicians purposely degrade them and threaten to defund them, of course it is going to negatively impact morale. We should be supporting DHS efforts to follow the law like continuing the construction of the border wall, which was written into the law by Congress. But instead, this administration is countering that law by Executive Order and the result is a Biden border crisis.

So, now, to Ms. Cordero, I have a question for you. In your briefing paper published by the Center for New American Security and called, "The Department of Homeland Security Priorities and Reform", you suggested and I quote: "DHS border security and law enforcement activities should correspond to components' authorized missions and refreshed Departmental priorities driven by legitimate security and safety threats and needs."

House and Senate Democrats have repeatedly called for defunding ICE and CBP, yet border agents have intercepted known terrorists, gang members, sexual predators, and interdicted thousands of pounds of illicit drugs and even some weapons. According to data published in June by CBP, Nation-wide drug seizures were up 18 percent in May 2021 over April 2021. Seizures of methamphetamines increased 53 percent. Seizures of heroin increased 7 percent. Seizures of fentanyl increased 9 percent. In addition, 7,450 pounds of fentanyl have been seized so far this fiscal year as of the end of May, far surpassing the 4,700 pounds seized at all of fiscal year 2020. So, a question for you, Ms. Cordero, just yes or no, do you agree that there is a legitimate security and safety threat at the Southwestern Border?

Ms. CORDERO. Thanks for the question, Congressman. I agree that the border presents a current challenge for immigration and border security. I think that there in the political dialog surrounding the border issues that there has been a melding of issues between those individuals who are seeking to cross the border for—that present an actual security threat versus those individuals who seek to enter the border for other reasons fleeing the circumstances that they are in. That becomes a—that is a law enforcement issue. So, I think there is a distinction between—

Mr. CLYDE. Ma'am, please. Please, so, yes. So, I am assuming that is a yes. That you do agree there is a legitimate security and safety threat at the Southwestern Border. So, it—

Ms. CORDERO. I agree that border security can present security issues. I don't necessarily agree that every individual crossing the border is a National security threat.

Mr. CLYDE. Ma'am, I asked if there was border threat and so, OK. Now, I want to transition. I want to commend CISA on launching their new website, stopransomware.gov. I believe that launched today. I am very, very thankful for that. I think that will do a lot for private enterprise. Now, I have got a couple questions here, one for Mr. Warrick. Then also I don't want to leave Ms. Mulligan out here. I would like you to answer this question as well. What information do you think the Government, both law enforcement and the intelligence community, could more quickly share with the pri-

vate sector on a regular basis that could help disrupt ransomware or other cyber attacks?

Mr. WARRICK. That would be information that people can actually take action on, encouraging them to make sure they have basic cyber hygiene in place. Making sure that they understand what the minimal standards are for being a good citizen and a responsible business owner. This especially needs to be done for our small businesses. That is a resource-intensive activity. But our small businesses need the help that they can get from a place like CISA.

Mr. CLYDE. OK, thank you. Ms. Mulligan.

Ms. MULLIGAN. I think CISA is doing a really exceptional job trying to wrap its head around that right now. They have had some notable successes. But I think the key building on what Mr. Warrick said is identifying ways for the Federal Government to share that are fit for purpose, that can be actioned by the public and private sector, which isn't always easy for the Federal Government to translate what it collects into usable information for folks who are outside the Government.

But I think the other key part is making sure that what CISA is doing that there is clarity about its role as the lead for communicating that information. Part of the issue that I see playing out in the Federal Government right now is lack of clarity about who is in the lead. Is it the FBI or others? Making sure that CISA has a leadership role.

Mr. CLYDE. OK, well, thank you. I want to get Mr.—if pronounce this right, so—

Chairman THOMPSON. The gentleman's time has expired. The Chair recognizes the gentlelady from California, Ms. Barragán, for 5 minutes.

Ms. BARRAGÁN. Thank you, Mr. Chairman. Let me start by thanking Ms. Cordero for your response about distinguishing a security threat at the border. I wish our politicians would focus on the security threat posed by domestic terrorism. When you have politicians degrading Capitol Hill police and what happened at the Capitol and saying these insurrectionists and these rioters were just another tourist visit at the Capitol, it is hard to take seriously the conversations sometimes about security threats at the border. So, let me just thank you for your response in making that distinction from people who are fleeing violence to what is actually a security threat. We should look at ourselves, which is why I am proud that our Chairman is going to be leading this effort on the January 6 Commission.

With that, let me move on to my first question. Ms. Cordero, let's start with you. Since its inception, the border security immigration enforcement and law enforcement functions of DHS Customs and Border Protection, Immigration and Customs Enforcement, in particular, have grown disproportionately large and broad in scope, without the necessary oversight. Key adjustments must be made in these areas to improve DHS's safeguards and accountability in the next decade and beyond. Ms. Cordero, starting with you, can you tell us more about your proposed reforms in the areas of border security, immigration enforcement, and law enforcement?

Ms. CORDERO. Absolutely, and thank you. Thanks for the question, Congresswoman. So, I will tick through them quickly because

we made a lot of recommendations. As I have mentioned, updating the mission of the Department I think is really important developing the direction of updated and modernized operational guidelines for the Department.

I believe it was really sort-of an unintended consequence that this enormous law enforcement capacity that really actually is greater in terms of manpower than even the Justice Department and all of its investigative agencies, has been concentrated in the Department of Homeland Security. So, when there is the responsibility of having all that law enforcement power, there needs to be sufficient oversight structures that exist across the entire Department. So, creating operational guidelines, releasing them publicly. Creating an oversight council that is headed by the head of policy in the Department. Creating the associate secretary who can have a greater management portfolio focused on the law enforcement capacities. Then looking at things like transparency, training, hiring standards for the law enforcement components and giving them set priorities that reflect the current threat landscape. All of those things together are things that I hope that the Congress and the administration will take on in order to bring this law enforcement capacity under appropriate oversight and accountability.

Ms. BARRAGÁN. Thank you. Ms. Mulligan, is there anything you would like to add to—any recommendations you may have in this area?

Ms. MULLIGAN. So, I think that I really sort-of align myself with many of the recommendations that Ms. Cordero has already presented. I just think overall, the Department is going to need to rebalance and have much more clarity about where we want it to be prioritizing. Because as this hearing demonstrates, there are so many different fronts in protecting American security and prosperity that we are going to need to help DHS understand where we want it prioritizing and where it can free up resources for investment in other priorities.

Ms. BARRAGÁN. Great. Mr. Warrick, do you have anything you want to add or?

Mr. WARRICK. No, I think those are excellent comments. There is obviously a lot that needs to be done and I think that good leadership at DHS headquarters needs to set the right tone without trying to micromanage or politicize what law enforcement and Homeland Security does.

Ms. BARRAGÁN. Thank you. Ms. Mulligan, I want to say I am a visual learner and I appreciated seeing your video in your opening remarks. I think it was a great way to kind-of show what is needed and the balance as was put in there. Can you further in the last 30 seconds, explain your recommendations for DHS to focus on a more public service-oriented model and how it would fit within the larger role as the Federal incidence response leader?

Ms. MULLIGAN. Great, well, thank you for that question. I am very glad to hear that the video is useful. It has been a labor of love for us to try to illustrate what a reimagined DHS might look like. You know, I think the important thing to remember about DHS is that many of the missions that we are advocating for it to focus additional attention on are missions the Department already has. They are things that the Department is regularly engaging in

the facilitation of goods and travel, you know, goods and travel across the borders. It is regularly involved in communicating threat information and, you know, doing, you know, sort-of serving as the Nation's sort-of crisis response through FEMA.

What we are arguing is that those missions are being deemphasized and deprioritized or have been in the past, and a disproportionate amount of headquarters-level focus has been really on what are essentially political priorities. Enforcement at the Southern Border and this focus on counterterrorism that we think is a bit out of sync with today's threat picture. So, it seems very ripe at this point nearing the 20-year anniversary of DHS's creation to bring its missions and priorities into better balance with what we actually want it to be doing. So, it is those first-order questions about what we need from DHS and how that has changed in the last 20 years that we think is perfect for this committee to be focused on.

Ms. BARRAGÁN. Thank you so much. My time has expired. Mr. Chairman, I yield back.

Chairman THOMPSON. The gentlelady yields back. The Chair recognizes the gentleman from New York, Mr. Garbarino, for 5 minutes.

Mr. GARBARINO. Thank you, Mr. Chairman, and also thank you to the Ranking Member for putting this hearing together. My first question is for Mr. Cilluffo and we will see what the other witnesses have to say after what you have to say. But specifically, I want to know what you think about what overlap do you see between the Office of Intelligence and Analysis and the Office of Operations Coordination? How is DHS ensuring that these offices are not duplicative and are performing worthwhile functions? Do you think they would be better-equipped to coordinate and information share as one integrated unit?

Mr. CILLUFFO. Congressman Garbarino, first go Islanders, I hope. That is my team from home, so. No, I think you raise a great question there. I am little dated in terms of some of the headquarter functions, but anywhere where you can see. So, one big take-away in terms of DHS is they have not clearly delineated and defined the Office of the Secretary. So, if you were to compare say DHS with DOD or even Department of State, there is a much greater awareness in terms of what the Office of the Secretary can drive and work on.

Part of that is because it is a collage. Some called it the Island of Misfit Toys. I don't look at it that way. It was collage of 22 really different but unique agencies and departments. So, I do think we need to be looking for any opportunities where we can streamline. We can enhance efficiency. Most importantly, coherence.

One of the things that I am pushing on which we haven't discussed today is around economic security and DHS's important role from a supply chain perspective. Here you have an opportunity given every one of the components touches this issue in one way or another to streamline that and focusing. So, a long-winded way of saying, I mean, yes, but I would need to look at it a little more closely.

Mr. GARBARINO. Sure. I appreciate that. I guess we will go to Ms. Cordero, if you have anything to add?

Ms. CORDERO. I do, Congressman, thank you, on Intelligence and Analysis in particular. So, under our project, we commissioned earlier this year a paper that was written by Adjunct Senior Fellow Christian Beckner and he took a deep dive into I&A and basically proposed for Congress two different models, either go big or go small. Because right now I&A is not making anybody happy. There are expectations, but its authorities don't match the expectations that we have for it as far as assembling intelligence information and providing warnings.

So, the go big model would be resource it more, give it more authority to be able to conduct intelligence analysis across a wider range of activities and threats. The other model would be to go much smaller and have it perform more like I&R at the State Department where it really is just services, the Secretary, and other policy members, and have that deconfliction with CISA. Let CISA do their own intelligence reporting on cyber threats and I&A be more tailored to serving the needs of the policy makers. They are very different proposals, but our assessment is that Congress should take a deeper look at this and pick one and then go with it so that we help I&A move into its sort-of next iteration where it can be more productive.

Mr. GARBARINO. I appreciate that and I will have to take a look at that study or that paper that you are talking about. Ms. Mulligan or Mr. Warrick, anything further you want to add?

Mr. WARRICK. Yes, so, I first want to thank you, Representative, for being the first person who has mentioned the Operations Coordination Office, which gets no attention. In fact, it is I think one of the—even more than I&A, needs to be either a go big or go small type of enterprise. It runs the operations center that I&A staffs. That is what it is—that is why they seem to have similar functions. But I&A is the classic EO 12333 intelligence organization with special authorities and capabilities that OPS does not have. Exactly as Carrie says, I&A exists to serve not just the Secretary, but also the State and local fusion centers, as well as all other DHS personnel who need intelligence analysis.

Mr. GARBARINO. I appreciate that and, Ms. Mulligan, anything to add or did we beat this one—beat this horse——

Ms. MULLIGAN. Yes, I think we are——

Mr. GARBARINO [continuing]. To death?

Ms. MULLIGAN. I think we are all speaking in unison here. I mean, this is—this really is a place where it either needs to be—have the bigger mission or it needs to be more tailored to focus on filling a specific need that isn't being met elsewhere in the Government. But trying to straddle both worlds isn't working and I think it is an area that is ripe for a refresh.

Mr. GARBARINO. I love when everybody agrees. This is great.

Mr. CILLUFFO. Congressman, can I add one minor point just because it is historically relevant? So, when we initially stood up the Department of Homeland Security from the White House, there was the intent to marry up the Office of Intelligence with infrastructure protection. What was then NPPD and is now CISA. So, it started on a different footing because in between that there was the establishment of the National Counterterrorism Center, which

obviously played a much bigger role, especially the DSOP function to be able to support some of these missions.

So, in some ways, I&A started off in a very awkward kind of way. Just in the for what it is worth. I think now is the time where you can start looking to whether or not we need to right-size it, grow it, but do it in a way that doesn't compete with the FBI and the broader interagency. Because quite honestly, they do some of this a lot better. Or narrowly focus it and then let some of the components take on some of their unique subject-matter areas. Whether it is CBP and the border or CISA vis-à-vis the latest and greatest Chinese or Russian malware. So, sorry, I just wanted to yield back—

Mr. GARBARINO. I appreciate that and I yield back. I am out of time. Thank you though.

Chairman THOMPSON. Thank you. Typical New Yorker, take more time, but I do appreciate it. The Chair recognizes another New Yorker, Mr. Torres, for 5 minutes.

Mr. TORRES. Mr. Chairman, Congressman Gottheimer is on. He is more senior than I am, so I can defer to him.

Mr. GOTTHEIMER. Are you sure, Mr. Torres?

Mr. TORRES. Yes, happy to. Those are the rules.

Mr. GOTTHEIMER. Thanks. Mr. Thompson, is that OK?

Chairman THOMPSON. Since he is the Vice Chair, I will let him go with this one, but go ahead Mr. Gottheimer.

Mr. GOTTHEIMER. Thank you, Mr. Torres. I thought you, Mr. Chairman, you were going to call me a New Yorker, which would of course been deeply insulting. As long as you compared me to Mr. Garbarino that would even be worse. But, you know, but I just appreciate you organizing this important hearing to discuss how we can strengthen the Department of Homeland Security to better confront new and emerging threats and challenges.

As we know, the Department was established in 2002 in the aftermath of the terrorist attacks on September 11 as was just mentioned with the necessary focus on countering threats mostly from foreign terrorist groups. Today, nearly 2 decades later, the threat landscape looks quite different. For instance, we have seen the rise of a diffuse domestic and home-grown terrorist movement, especially White supremacists and other racially or ethnically motivated violent extremists, which as Director Ray has testified, "With a primary source of ideologically motivated lethal incidents."

Mr. Warrick, if I can ask you a question. How prepared is today's DHS to address the serious threats of domestic terrorists and members of violent extremist groups like those including members of groups like the Oath Keepers and Three Percenters and Proud Boys involved in the January 6 attack on the Capitol?

Mr. WARRICK. It needs to be understood, Representative, that DHS has very specific limited statutory roles in this area. Lead investigative agency for criminal violations is the FBI. That needs to stay that way. But DHS needs to be able through its Intelligence and Analysis Office to connect the dots to put together warnings for senior leadership. There needs to be greater clarity on whose job is it to look at social media and be aware of what people are saying. I saw the FBI director and my good friend Jill Sanborn kind-of fumble that question a little bit in a hearing a few weeks

ago. This is something that it really needs to have Congress clarify whose authority it is to do what with respect to social media because there are significant privacy and other challenges in this area.

Mr. GOTTHEIMER. Related to that, is there something that you would change the way DHS is structured to help protect us from this threat? Is there—

Mr. WARRICK. We have a detailed report my colleague Mitch Silber has put together that I will make sure is sent to your staff. But basically, there needs to be an intelligence and warning officer within the director of National intelligence whose job it is to make sure that nothing escapes notice and that nothing gets politicized. This is especially important in domestic terrorism.

Mr. GOTTHEIMER. Is that a Classified report or un-Classified?

Mr. WARRICK. Our report is a think tank report written by the former head of New York police intelligence for more than a decade. It is one of the more scholarly papers in addition to the one that Chris Beckner also put out, which is also worth reading. But you should talk to those two authors because they have got some really interesting things to say.

Mr. GOTTHEIMER. Without objection, Mr. Chairman, I would like to put that in the record, if that is OK.*

Mr. GOTTHEIMER. Ms. Cordero, could you describe where DHS's Office of Intelligence and Analysis fits into the various National security-focused agencies conducting intelligence analysis and how does DHS rank compared with the FBI, for example, in equity increased DHS intelligence capacity?

Ms. CORDERO. Thank you, Congressman. So, I&A, Intelligence and Analysis is the component in the Department of Homeland Security that is a part of the intelligence community. So, that way, it is able to both glean information from its intelligence community affiliation and disseminate it and share it with other Federal, State, local, Tribal partners in a way that they can receive that information. At the same time, it also can receive information from the State and local network and the activities of the Department itself and feed that information if its relevant back to the intelligence community. So, it provides an important link there.

I&A does not do what the FBI does in terms of its investigative authorities to disrupt and pursue criminal prosecution of domestic terrorism activities, which oftentimes are prosecuted as other violent crime or weapons-related or other types of criminal violations. So, the Department of Homeland Security never has and it would not be appropriate for it to have that investigative authority that disrupts potential terrorist activity. That resides still with the FBI.

So, I think the question for I&A is does Congress want to expand its ability to conduct more intelligence analysis or does it want it to narrow and not be duplicative of what the FBI or the intelligence community is doing? I think the reason these different reports that Mr. Warrick mentioned are important, including the one that we put out, is because I&A is at that inflection point right now.

*The information can be found at <https://www.cnas.org/publications/reports/reassessing-homeland-security-intelligence> and <https://www.atlanticcouncil.org/wp-content/uploads/2021/05/FINAL-5.20.2021-Domestic-Violence-Extremism-Report.pdf>.

Mr. GOTTHEIMER. OK. Well, thank you. I yield back my 1 second left to the Vice Chairman. Thank you, Mr. Torres, again for yielding again. I yield back, Mr. Chairman.

Chairman THOMPSON. Thank you very much. The Chair recognizes the Vice Chair of the full committee, the gentleman from New York, Mr. Torres.

Mr. TORRES. Thank you, Mr. Chair. You know, it has been said that there is a crisis of public trust in DHS. I am wondering if—and this question is specifically for Ms. Mulligan—do you share my concern that continuing the 287(g) Program, which expanded exponentially under the Trump administration would only serve to perpetuate that crisis of public trust in the agency?

Ms. MULLIGAN. Thank you for your question. I do. I do.

Mr. TORRES. You know, if DHS is not effective at policing abuses among its own law enforcement officials, what reason is there to think that DHS would be effective at policing abuses among State and local law enforcement officials who have been deputized to enforce Federal immigration law?

Ms. MULLIGAN. You know, I think that—I think that there is an incredibly important set of issues in the question that you raise that really gets at the heart of how important it is that we root out extremism within members of the Federal and State law enforcement for that matter, who are in positions of trust. It is particularly important in the law enforcement context.

I think the numbers that we are seeing and the connections that we are seeing in the indictments out of the January 6 events are very concerning. I think—I have actually been pleased to see the Department take some immediate actions as well as the Secretary of Defense because I think we have a problem both in our active-duty military and in our veterans' communities.

Mr. TORRES. You know, I served on the New York City Council and we had oversight over the NYPD, which is a paramilitary force unto itself. What we often found was there was a small subset of officers who drove a disproportionate share of abuse. I am wondering if that same dynamic exists within the ranks of DHS law enforcement and whether DHS has a system in place for tracking abuses among officers and a system for early detection and intervention? This question is for anyone who has insight into the subject matter of that question.

Mr. WARRICK. There were significant studies done by CBP under both Democratic and Republican administrations that declared the internal discipline system to be broken. If you talk to former CBP officials regardless of their party, they will tell you that not all of those things that were broken have yet been fixed. This is one of the reasons I think it is extremely important that Chris Magnus get confirmed as commissioner of CBP because he is going to have to take charge and make sure that many of these things are addressed. Exactly as you say, Representative Torres, the good men and women of CBP know that there are a small number of bad apples among them and this has to be addressed. This is going to be one of the greatest challenges that I hope Commissioner Magnus is able to tackle right away.

Mr. TORRES. I know we often speak of the need for an independent Justice Department, an independent Attorney General. I

don't often hear people speak of the need for an independent DHS or an independent DHS Secretary. It seems to me there is less of an expectation of institutional independence when it comes to DHS even though it is fundamentally a law enforcement agency. Is that a fair assessment? How do we change it? How do we create an expectation of independence?

Mr. WARRICK. Secretary Chertoff and Secretary Johnson have both spoken out very strongly that DHS needs to be as far as possible non-partisan. In the spirit that we have our uniform military and our intelligence community be non-partisan, that same ethic needs to be deeply baked into DHS. Secretary Napolitano was famous for joking that when she became Secretary, she had her partisan bone removed. The point she made to the work force was this was her expectation that the Department needs to be outside of politics as much as possible especially in its law enforcement missions.

Mr. TORRES. I am wondering, you know, how much of DHS's challenges is a function of mismanagement and how much of it is a function of just the youth of DHS? You know, compared to—it has far less institutional memory than agencies that have been around for decades, in some case, centuries. It is simply going through the growing pains of a new agency. What is the main cause of the dysfunction in DHS? Is it simply growing pains or is it deeper than that?

Ms. MULLIGAN. I think it is something else. I mean, to be sure, every young department or agency, certainly one with the scope of size and responsibility that DHS has is going to have management challenges and that is why the oversight rules are so important. But the cultural problem that exists at DHS in my view stems from its origin story as an agency that is really about countering terrorism and going, you know, protecting America from others. That mission and origin story has seeped into kind-of what people think they are there to do and what attracts them to it in the first place.

What we have now is we have heard throughout the day is an organization that we need to be doing a whole lot of other things besides countering terrorism and going after bad guys, protecting, you know, a lot—protecting and providing services that Americans really depend on. Yet, it has a work force that is disproportionately drawn to kind of this militaristic, you know, military cosplay kind-of role that I think is inherently problematic.

One of the things that I think Congress can really do that sort-of gets back to something Ms. Cordero said earlier is by adjusting its missions, there is actually a lot that flows from that. Because people need to see what they are actually doing reflected in the missions of the Department and they need to see those missions being elevated and prioritized and praised and incentivized. If the only incentives are to engage in activity that is, you know, sort-of hostile to the people that you serve, then you are going to have a culture that looks an awful lot like the culture at DHS.

Mr. TORRES. My time has expired, but thank you, Mr. Chair, for the accommodation.

Chairman THOMPSON. Yes, sir, anything for the Vice Chair. Well, let me thank our witnesses. All four of you have been excellent. You absolutely have a real grasp of knowledge about the subject

matter. One thing I didn't talk about and we will circle back. I mentioned it in my opening statement. The jurisdictional challenges for the Department in responding to some mini committees and subcommittees. No other agency in Government has that reach to respond to. It makes it very cumbersome. So, we plan to continue to work at that.

But let me again just thank you for the breadth of knowledge. We understand CISA and its important role in part of the new DHS. Our challenge for more than any other is: How do we marry CISA with more mature agencies who don't like the new kid on the block? The Colonial Pipeline is a good example of what I am talking about there. I won't go into it.

But I do see the need for some regulatory review on a lot of what we do on pipelines and other things because so much of it right now is voluntary. Unless you put some teeth behind the regulation, then it is not going to be taken very seriously in my humble opinion. So, we will be moving forward around that subject and I guess I am trying to tease you all on your next report that you go back and make an argument for.

But now let me thank you for your testimony, and the Members for their questions. The Members of the committee may have additional questions for the witnesses, and we ask that you respond expeditiously in writing. Before adjourning, I ask unanimous consent to submit a statement for the record from the Partnership for Public Service outlining the importance of employee engagement and morale to overcome DHS's challenges. Without objection, so admitted.

[The information follows:]

STATEMENT OF MAX STIER, PRESIDENT AND CEO, PARTNERSHIP FOR PUBLIC SERVICE

JULY 15, 2021

INTRODUCTION

Chairman Thompson, Ranking Member Katko, and Members of the committee, thank you for the opportunity to share the views of the Partnership for Public Service as you consider the steps needed to help the Department accomplish its varied and difficult missions. This past year the Federal Government overcame unprecedented challenges in order to serve and protect the American people during the COVID-19 pandemic. This is especially true of the workforce at the Department of Homeland Security. Our statement will highlight the importance of employee engagement and morale for overcoming present and future challenges facing the agency and the rest of our Government.

The Partnership for Public Service is a nonpartisan, nonprofit organization that strives for a more effective Government. We work to improve the performance of the Federal Government and those who serve through an array of programs, research and policy initiatives. One of the ways we promote these values is through the annual *Best Places to Work in the Federal Government*® rankings we produce in collaboration with the Boston Consulting Group (BCG). The rankings are based on the results of the Federal Employee Viewpoint Survey (FEVS) administered by the Office of Personnel Management.

We rank agencies by size and analyze the key drivers of employee engagement—in other words, the factors that have the biggest impact on how employees view the agencies in which they work. The rankings shed light on how agencies fare in different categories that define the employee experience, including effective leadership, pay, teamwork, innovation, and recognition.

THE IMPORTANCE OF EMPLOYEE ENGAGEMENT AND MORALE

Employee engagement and morale are essential to the overall performance of an agency. Higher scores in employment engagement lead to higher productivity, less

absenteeism, greater retention and overall better performance.¹ An engaged workforce also equates to higher-quality service. For example, in an analysis of performance data from nearly 150 VA hospitals across the country, the Partnership for Public Service found that higher patient satisfaction, better call center performance and lower nurse turnover were all associated with a more satisfied and committed workforce.²

With such an impact on the Federal workforce and the people it serves, it is critical for leaders—both career and political—to be focused on engagement. The Best Places to Work rankings serve as a mechanism for holding agency leaders accountable for the health of their organizations, serve as early warning signs for agencies in trouble, and shine a spotlight on agency successes that can be replicated elsewhere.

EMPLOYEE ENGAGEMENT AND MORALE AT DHS

Overall, the Department of Homeland Security's 2020 Best Places to Work employee engagement score is 61.1 points out of 100. That is 7.9 points lower than the Government-wide engagement score in 2020, 8.8 points below the median score for large agencies, and 15.9 points below the private-sector engagement score. While DHS ranks 17 out of 17 among large agencies and has been the lowest-ranking large agency since 2012, there are signs that the agency has made progress in engaging its employees in an especially challenging year.

BRIGHT SPOTS

Despite its last place ranking among large agencies, there are several bright spots that should be celebrated. Although DHS trailed the Government-wide Best Places to Work engagement score by 7.9 points in 2020, the gap has narrowed in recent years. In 2019, DHS trailed the Government-wide score by 9.4 points. Further, in 2020 the agency received many high marks from its employees on how it navigated the COVID-19 pandemic. For example, 77.5 percent of survey respondents at DHS agreed that their supervisors supported employee efforts to stay healthy and safe while working, 83 percent of respondents said their work unit met the needs of its customers during the pandemic, 82.1 percent agreed that their work unit adapted to changing priorities, and 82.1 percent believed that their work unit achieved its goals.

Other successes from DHS subcomponents include:

- Employees gave FEMA a score of 90.3 out of 100 in a new workplace category measuring how effectively agencies supported employees and navigated the COVID-19 pandemic. Additionally, FEMA moved up 36 places in the Best Places to Work subcomponent rankings in 2020. The Partnership's profile of FEMA's engagement efforts during the pandemic is attached to this testimony.
- The Science and Technology Directorate (S&T) saw its 2020 Best Places to Work engagement score ranking improve by 150 spots. In the COVID-19 employee well-being subcategory—which measures the extent to which employees felt their organization supported their mental and physical well-being during the pandemic—S&T was ranked number 33 out of 393 subcomponents.
- The United States Coast Guard registered a Best Places to Work engagement score of 77.1, topping both Government overall and the private sector. Engagement scores at the Federal Law Enforcement Training Center and the Science and Technology Directorate also exceeded the Government-wide score in 2020.
- Several DHS subcomponents saw big jumps in their 2020 engagement score ranks. Customs and Border Protection and the Cybersecurity and Infrastructure Security Agency both climbed 52 spots; the Office of Operations Coordination rose 60 places; and Immigration and Customs Enforcement climbed 33 spots in the subcomponent rankings.

AREAS OF CONCERN

There is still much more work to be done. Explanations for why DHS morale is low could include a range of nuanced factors, such as the size of the agency, its dis-

¹ Gallup, "State of the American Workplace Employee Engagement Insights for U.S. Business Leaders." 2013. Retrieved from <https://www.gallup.com/workplace/238085/state-american-workplace-report-2017.aspx>. U.S. Merit Systems Protection Board, "Federal Employee Engagement: The Motivating Potential of Job Characteristics and Rewards." 2012. Retrieved from <https://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=780015&version=782964>.

² Partnership for Public Service, "A Prescription for Better Performance: Engaging Employees at VA Medical Centers." 2019. Retrieved from https://ourpublicservice.org/wp-content/uploads/2019/03/BPTW18_VA-issue-brief.pdf.

parate components, a workforce that operates under stressful conditions, and recent high turnover and vacancy rates in key appointee positions.

Areas of concern for DHS in 2020 include:

- The Department of Homeland Security trailed Government in all 8 workplace categories in the 2020 Best Places to Work rankings. DHS's largest deficit came in the innovation category, registering a score 12.4 points below the Government-wide tally. In the employee recognition category, DHS trailed Government by 10 points, and in the effective leadership workplace category, DHS lagged Government by 7.1 points.
- Just 54.2 percent of survey respondents at DHS agreed that they feel encouraged to come up with new and better ways of doing things; 53.3 percent believe that employees are recognized for providing high-quality products and services; and 41.4 percent believe that the results of the Federal Employee Viewpoint Survey will be used to make their agency a better place to work.
- U.S. Citizenship and Immigration Services, which ranked 90 of 420 subcomponents in 2019, is now ranked 339 out of 411 with an engagement score of 62.9 out of 100.
- Customs and Border Protection ranked 392 out of 393 subcomponents in the COVID: Employee Well-Being subcategory, which assesses how employees feel about their organization's efforts to support their mental and physical well-being during the pandemic.
- The Countering Weapons of Mass Destruction Office's 2020 engagement score (45.7 out of 100) ranks 26.2 points below the subcomponent median (71.9 out of 100). The office no longer ranks dead last in Government subcomponents, though, now ranking 403 out of 411 subcomponents. (In 2019 it ranked 420 out of 420).

LOOKING FORWARD

Both the Department and Congress have a role to play in efforts to improve employee engagement and satisfaction.

Since the Best Places to Work rankings began in 2003, leadership has consistently been identified as the No. 1 driver of employee engagement. Leaders must be held accountable through oversight, and the Department's senior political leaders should be individuals who have experience managing large organizations and accept responsibility for the performance and operations of the Department. They should be held accountable for management, including employee engagement.

For these reasons, we applaud the recent passage of the DHS MORALE Act in the House and encourage the Senate Committee on Homeland Security and Governmental Affairs to quickly approve this measure on a bipartisan basis. This legislation takes steps to hold the Department's leaders accountable for strengthening and investing in leadership development and employee engagement, which can improve the skills of existing leaders and develop the next generation of leaders.

Also, the work that this committee is doing to revisit DHS's authorizing statute to clarify roles and responsibilities of leaders, improve the accountability and transparency of agency oversight, and strengthen the management of the Department generally is very important to helping the Department attract and retain the workforce it needs to carry out its missions.

Finally, we note that the Department should also be commended for its Employee and Family Readiness Initiative, which is a suite of programs to address employee needs in areas such as stress, mental health, personal relationships, and financial concerns.³ DHS's Inclusive Diversity Strategic Plan⁴ also shows the Department's commitment to ensuring an inclusive workforce that prioritizes the well-being of all employees. Many DHS employees face extremely challenging circumstances in the workplace, which can also create challenges in their personal lives. Helping both employees and their families cope with these challenges should help improve engagement and retention.

³Testimony of Angie Bailey, Chief Human Capital Officer, Department of Homeland Security. Hearing on "Solutions to Improve Federal Hiring," Senate Committee on Homeland Security and Governmental Affairs Subcommittee on Regulatory Affairs and Federal Management, July 30, 2019.

⁴Department of Homeland Security, "Inclusive Diversity Strategic Plan." 2020. Retrieved from https://www.dhs.gov/sites/default/files/publications/20_1230_ochco_dhs-inclusive-diversity-strategic-plan_fy21-24_1_1.pdf.

CONCLUSION

We know from our research that employees who are engaged in their work add tremendous value to their organization. As the Federal agency tasked with the mission as critical as protecting and securing the homeland, it will be important for DHS to recruit and retain a highly engaged and motivated workforce that can ensure future safety of the American people.

Thank you for the opportunity to share the Partnership's views on strengthening DHS employee engagement.

APPENDIX: FEMA AGENCY PROFILE

FEMA EMPLOYEES WEATHERED THE PANDEMIC, THE HURRICANES AND THE WILDFIRES WITH STRONG BACKING FROM THE AGENCY⁵

Federal Emergency Management Agency employees received strong backing from their agency in 2020 as they responded to the worst public health crisis in a century and simultaneously dealt with a record number of natural disasters and the most active Atlantic hurricane season in history. Employees gave FEMA a 2020 Best Places to Work in the Federal Government® score of 90.3 out of 100 in a new workplace category measuring the support they received during the height of the COVID-19 pandemic.

FEMA exceeded the Government-wide COVID-19 response score of 86.1 and outperformed the Government average on pandemic-related issues dealing with employee well-being, the provision of job resources, agency performance and supportive leadership. The agency also far outpaced its parent, the Department of Homeland Security, which registered a COVID-19 score of 80.0, and it did better than all but two of the DHS subcomponents on this issue.

At the onset of the pandemic, FEMA moved to a hybrid work model, held daily videoconference calls to communicate important information, sent telework kits to every employee and steadily increased usage of virtual collaboration tools.

Ray Acurso, the senior director in FEMA's Office of the Chief Administrative Officer, said the agency was able to "give people a feeling of connectivity even though we were further apart. We were actually communicating more."

At the regional level, FEMA officials said communication with staff members scattered across the country and with State and local partners was critical to keep employees engaged, informed, and prepared to handle a never-ending string of public emergencies.

"We utilized our technology and our screens. Our connectedness to our FEMA Integration Teams—what a success that was for us," said Bonnie Garfias, FEMA's Region VIII senior advisor. The FEMA Integration Teams provide on-site technical and training assistance to State partners.

FEMA also quickly ensured that workers on the front lines felt supported and safe. The agency was one of the first to implement COVID-19 testing, and it organized responder lodging camps with medical support and quarantine areas on-site.

During 2020, there were 230 Presidentially-declared emergencies, passing the previous high of 128 declarations in 2011. FEMA's National Response Coordination Center was activated for a record 314 days, and more than 5,300 staff members were deployed to support the pandemic response activities that included the Nation-wide delivery of critical medical supplies.

In addition, FEMA deployed more than 5,000 employees to support both Atlantic and Pacific hurricane responses while also dealing with the largest wildfire in Colorado's recorded history and 5 of the 10 largest wildfires in California's history.

Although FEMA received high marks for its COVID-19 response, its 2020 Best Places to Work engagement score measuring employee overall satisfaction with their jobs and organization was 66.9 out of 100, 2.1 points below the Government-wide score of 69.0. This gave FEMA a ranking of 286 out of 411 agency subcomponents, an improvement of 36 spots from 2019 when it ranked 322. DHS, FEMA's parent agency, remained in last place among 17 large agencies with a Best Places to Work engagement score of 61.1.

On the specific workplace issue of effective leadership, employees gave FEMA a score of 63.6 out of 100, with senior leaders rated at just 57.6.

Nonetheless, 85.7 percent of FEMA employees surveyed agreed or strongly that their agency is successful at accomplishing its mission, 85.1 percent said the people they work with cooperate to get the job done and 87.6 percent said they know how their work is related to agency goals.

⁵ See the on-line profile here: <https://bestplacetowork.org/analysis/profiles/Federal-emergency-management-agency/>.

"If you can tie someone's day-to-day action to the purpose of FEMA's mission, it gives them a feeling of accomplishment when they are done. It gives them a sense of drive and purpose while they're going through the actions," Acurso said.

Deanne Criswell, confirmed in April as the new FEMA administrator, said she is committed to improving employee job satisfaction and commitment, putting "people first" and capitalizing on some of the lessons learned during the pandemic.

Criswell said FEMA's leadership team is "taking actions that will contribute to an environment where people want to come to work and where they feel like they have a safe environment to not just do their work, but to be innovative, creative, and contribute to helping people before, during, and after disasters."

She said this includes a commitment to employee career advancement, recognition for good work and diversity and inclusion.

"I think that we have the most amazing workforce in the Federal Government," Criswell said. "It's the most dedicated group of professionals that are truly committed to our mission."

This profile was written by Partnership for Public Service staff member Heather Gunter.

Chairman THOMPSON. The Chair reminds Members that the committee record will remain open for 10 business days.

Without objection, the committee stands adjourned. Thank you very much, again.

[Whereupon, at 2:41 p.m., the committee was adjourned.]

